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WRITINGS

OF

LEVI WOODBURY, LL. D.

POLITICAL, JUDICIAL AND LITERARY.

NOW FIRST SELECTED AND ARRANGED.

IN THREE VOLUMES.

VOL. I.—POLITICAL.

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PREFACE.

THE object of this publication is to collect into a compact form the principal productions of the author, for more easy reference and preservation by his friends.

They include some portions of his labors, — Political, Judicial, and Literary, — devoting one volume to each.

But most of his occasional speeches on party politics are omitted — giving one or two in the Appendix, as specimens. Nearly half of his speeches in the U. S. Senate, and all the great mass of his official reports in the Navy and Treasury departments during ten laborious years, except two or three, have been omitted, for the reason that they would greatly exceed the limits prescribed in the design of the present publication.

Under the Judicial head, all his opinions on mere legal questions have been excluded, as well as several of his arguments in behalf of prisoners, and some of his charges as a Judge to Grand Juries; republishing only the opinions on constitutional points, two arguments as counsel, and a few charges of particular interest.

Among the Literary Writings, many Essays and Letters

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have, from a necessity already stated, been omitted; though enough, perhaps, is given to illustrate the full and various powers of the author's mind, and to induce others, at some future time, to embody the whole for publication, embracing his entire works.

It is indeed a subject of congratulation that the distinguished author had nearly completed the selection from his papers for publication a few months before his last illness. What remained to be done has been executed by his son, Charles Levi Woodbury, Esq.

Judge Woodbury died at his mansion, Portsmouth, N. H., September 4, 1851, aged sixty-one years.

The unexpected event of his death was noticed throughout the country, by citizens of all parties, with deep and unfeigned expressions of regret, and a respect manifested for his character as sincere as it was profound. It was noticed by the courts, and by meetings of the legal profession, in all parts of the Union, by appropriate speeches and resolutions.

As the life and character of the deceased have been so long and so honorably identified with the public administration of affairs in this country, it is quite probable that they may form the subjects of a separate volume, at some future time.

THE EDITOR.

UNIVERSITY OF CALIFORNIA

BIOGRAPHICAL NOTICE.

Levi Woodbury was born at Francestown, N. H., 22d December, 1789.* He passed through the ordinary scenes of youth with the usual variety of adventure, which we need not detail, except to remark that he was distinguished for his faithfulness in the observance of the requisitions of duty, and uniformly manifested those amiable qualities which, in his subsequent life, have formed so prominent a feature of his character.

Blessed, as he was, with a mother of extraordinary judgment and excellence, he was early guided in the paths of virtue, and encouraged to seek his pleasures in active usefulness. With a mind balanced by nature quietly to discriminate between the practical and the speculative, it was easy to commence the growth of habits which favored the acquisition of knowledge, and which make up the permanent basis of a true character.

He was favored with all the elevating influences of a preparatory education, and entered Dartmouth College, Hanover, N. H., October, 1805. He graduated with the highest honors of his class, and joined the Law School of Judges Reeves and Gould, at Litchfield, Conn., September, 1809. In 1812, and while he was yet a student, he made a speech, on the war question, at

* His father was a descendant of John Woodbury, who came from Somersetshire, England, in 1624, and settled in Beverly, Mass. His descendants were, *Humphrey*, born in 1609, and who accompanied his father; *Peter*, son of Humphrey, born in 1640; *Josiah*, the son of Peter, born June 16, 1702; *Peter*, the son of Josiah, born March 28, 1738: and *Peter*, the son of Peter and father of Levi, was born in Beverly, Mass., in 1767; removed to Francestown, N. H., with his father, where he engaged in mercantile and agricultural pursuits. He was about fifteen years representative, and two years senator, in the State Legislature. (See History of Bedford, N. H., p. 348.)

Amherst. The politicians of Hillsboro' County were so well satisfied with it that he was appointed to prepare an address to the people upon the subject, which was adopted with great unanimity. It will be found in this volume. He left the Law School with distinction, and commenced the practice of law at Francestown, September, 1812. His reputation soon commanded the confidence of clients, and he almost immediately found himself in receipt of a large business income. It was soon discovered, however, that he was peculiarly fitted by nature, as well as by education, to serve the people in a public capacity. In June, 1816, he was appointed Secretary of the Senate of New Hampshire; and, in December of the same year, he was commissioned as one of the Judges of the Superior Court of that State.

In June, 1819, he was married to Miss Elizabeth W. Clapp, of Portland, Me.; and he is now surrounded by an interesting family of five children, viz., Charles Levi, Mary E., Frances Ann, Virginia Lafayette, and Ellen Caroline.

In 1823 he was elected Governor of the State of New Hampshire, in which office he acquitted himself with great dignity, energy, and usefulness. He was chosen a member and Speaker of the House of Representatives in 1825, and, in June of the same year, was elected a Senator in Congress. In March, 1831, he was elected a member of the State Senate, and, in May of the same year, he was appointed Secretary of the Navy, by President Jackson. In July, 1834, he was appointed Secretary of the Treasury; in 1841 he was again elected a United States Senator for six years, and in 1845 he was nominated, by President Polk, Associate Justice of the Supreme Court of the United States, and was unanimously confirmed by the Senate. It is proper to add that a foreign mission was tendered to him in 1828, as minister to Spain, and, in 1845, the embassy to England; but these he declined.

It is not our purpose to detain the reader with any extended notice of the life and public services of Judge Woodbury; for such a course would hardly be deemed in good taste, while the distinguished subject of our remark is still in a high position of active duty; and it would seem to imply a want of confidence in his acts to commend him without the aid of extraneous compliment. His labors speak for him a stronger language than can be

found in words. His deeds have been those of practical wisdom, and, as such, may be regarded as profitable lessons for the study of the people throughout the nation.

Duty and fidelity in a public servant make up an important portion of a nation's moral wealth. Mind and skill, in the disposition and regulation of the great interests of humanity, may be regarded as the chief source of a nation's prosperity. Whoever masters his subject, and succeeds in teaching its relations and tendencies to the people for practical purposes; whoever aids in developing the resources of a country, and in tracing out the dangers and the benefits of a wise or of a doubtful legislation, for the good of the people; whoever points out the great objects of life, the means of their attainment, the legitimate sphere of a righteous ambition, the elevating tendency of truth, justice and integrity; and, withal, whoever becomes a teacher in these relations, and enforces his instructions by the examples of a living practice, is a public benefactor. He stands before the world as the representative of those attributes of divinity which redeem men from their sins and from their ignorance, and nations from the misrule of corruption. It is a mission of mind, and heart, and action; and to be equal to its high requisitions presupposes pure and disinterested motives, which belong only to the man who seeks to be useful, and has confidence in the simple rewards which inhere in the practice of virtue and patriotism.

If we view Judge Woodbury as a man and as a citizen, we find in him an example of quiet and efficient duty which it is profitable to contemplate. With a power to perceive the wants of men, and with a mind both able and prompt to administer to their proper gratification; with an unyielding perseverance, which is checked by no obstacle, and swayed by no unholy purpose; with a dignity which is the natural language of truth, and a simplicity which is alike approachable by the great and the humble; with an integrity that is above selfishness, and with a philanthropy that is above speculation, — he has ever performed the duties incumbent upon the man as a being of benevolence, and upon the citizen as a liberal member of society. As a friend, faithful; as a man, devoted to the great concerns of humanity; and as a citizen, alive to all that advances and protects his country, or subserves the world. To use the application of a remark made by an estimable friend, but few men are endowed to an

equal degree with that peculiar quality which Burke aptly denominated "*civil discretion*," — which, while all are ready to admire, but few can command the ability to practice.

His literary character may be best seen in the writings which make the third volume of this selection. It is marked with that peculiar thoroughness which distinguishes all his productions, and which has its origin in science. He is conversant with the poets, and seizes with a tasteful judgment the happiest gems of thought, though he seldom indulges in the exercise of his powers of imagination, except occasionally to subserve the more solid themes of science and history, by the simple embellishments which harmonize with a cheerful temper and the diversified beauties of truth.

To speak of him as a jurist would seem to be almost an act of supererogation. His station sufficiently indicates how he is appreciated by his distinguished fellow-countrymen. His labors discover with what completeness he disposes of the varying obligations of citizens engaged in litigation, and his charges illustrate with what versatility of talent he elucidates the fundamental principles of law, and with what certainty and consistency he sustains the great bulwark of our liberties, the Federal Constitution. As a judge, his views are singularly comprehensive. The arts and sciences are made his servants, and the sources of knowledge appear to be within the sphere of his control, for the beneficent purposes of truth and justice.

As a statesman, Judge Woodbury stands in the first rank of those far-sighted men who scan at a glance the necessities of a people — the wants of a nation. His powers of analysis are equal to all subjects, and his simple tracing of the philosophy of cause and effect, in the world of legislation, shows the hand of a master and the skill of a prophetic mind.

His Message to the Legislature, as Governor of New Hampshire, — which may be found at length in this volume, — is characterized by a vigor and comprehensiveness of thought, by an elevation of purpose and spirit of remark, not to be surpassed by any similar document within the range of our knowledge. It combines the philosophy of things with a method of practical application of principles. It elevates while it teaches the citizen, and encourages measures eminently calculated to promote industry and enterprise, and add to the comforts of life. It is fraught with

suggestions in respect to the best means of advancing science and multiplying the blessings of education, which, though not immediately adopted by his native State, have since been realized in other commonwealths, and gained for them a most enviable reputation.

If we follow him to the counsels of the nation, — we there find the same indomitable spirit in its varied workings for the good of his beloved country, and for the advancement of the great principles of freedom throughout the world. Vigilant, deliberate, prompt, and equal to every emergency, he lost no opportunity for doing good where duty called, and he spared no labor in gathering information where ignorance was to be enlightened, or where opinions were uncertain. Though as true to the Democracy as the needle to the poles, he sanctioned no party movement inconsistent with magnanimity, and yielded to no factious influence derogatory to character. He sought no schemes for gratifying a vain ambition, and studied no compliment to gain the favor of political opponents. He was firm without obstinacy, prompt without haste, and confident without arrogance. He could be severe with courtesy, and uncompromising without offence. Before he was called to administer a government over others, he had learned the prerequisite secret of governing himself. Before he acted upon the condition of things, he acquired a knowledge of their principles.

He became eminent as a practical statesman, and discovered by his extensive inquiries and researches the value of knowledge to a nation, and the power of knowledge to a people.

But to enlarge in this place is to detain readers from the repast to which they have been invited; and we can have no stronger confirmation of our views in respect to the distinguished subject of our notice, than may be found embraced in these volumes herewith submitted to a discriminating public.

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SPEECHES.

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SPEECHES.

THE IMPORTANCE OF A CONGRESSIONAL COMMITTEE ON AGRICULTURE.*

The resolution, that the 30th Rule of the Senate be amended, by adding thereto "a committee on agriculture," being under consideration, —

Mr. Woodbury observed, that he should vote for the resolution now before the Senate, notwithstanding the strong opposition to it which had been manifested. Yet he would not have risen to offer any remarks upon its passage, but for the circumstance that, on Wednesday, he had voted against the amendment proposed to the Committee on Manufactures, and, consequently, without explanation, an inference might be drawn, by some, of inconsistency between the two votes. That amendment, however, was resisted by him upon the sole and identical principle which, in his opinion, operated with the greatest force in favor of the present resolution, — the principle of inexpediency in referring the subjects of manufactures and agriculture to the same committee, an inexpediency as great as to continue to refer commerce and manufactures to the same committee. All the arguments so eloquently urged on that day, by the gentlemen from Massachusetts and New Jersey, for a separate committee on each of the two last subjects, applied in equal vigor for a separate committee on agriculture. Not that he believed the interests of all these cardinal branches of industry were not inseparably connected, for he cordially united with the gentleman from South Carolina in that particular; but it was a connection in their importance to society, and in favor due from the government: nor that he believed they were not sisters, as happily expressed by the gentleman from Maryland, —

* A speech delivered in the Senate of the United States, Dec. 9, 1825.

but sisters, chiefly, in the affections of this House. They could be received separately, and, like those sciences having one common bond, must be examined in detail; — peculiar talents could, in distinct committees, be brought to bear on the investigation of each; and, by a proper analysis and scrutiny of subjects of legislation, the same utility is attained as by a proper division of labor in the common affairs of life. That there was no employment for such a committee, had been again pressed by the ingenious gentleman from Maine; but, in addition to the answer given by the mover of the resolution, he would suggest, that all questions of direct taxes on land, all internal duties and excises, and all imposts, no less than questions of foreign and internal commerce, have a powerful, and often an immediate influence, on the interests of agriculture. And, in a territory like ours, of between two and three millions of square miles, with two-thirds of its population exclusively engaged in agriculture, with annual exports from agriculture of about forty millions, and with, probably, fifteen millions of our duties paid, in the end, by the tillers of the soil, who consume, and not by the merchants, who import, it is impossible not to find subjects peculiarly proper, in some stage of their progress through this House, to be referred to such a committee. True it is, that the subject, as heretofore, might be referred to other committees; and it is equally true, that all subjects whatever might be referred to a committee of the whole House. True it is, also, that the duties of such a committee are not specifically defined; nor are the duties of any other committee, but depend on the express object of the committee, and the nature of subjects coming before Congress. If those concerning agriculture are now small, he hoped the prosperity of it would long keep them small. But that her interests were daily touched, directly or indirectly, and might be considered by reports of other committees being referred to the committee before any final measures are taken, will be manifest by adverting, not only to the effect of the tariff, as before named, on some kinds of produce, but to the duties on sugar, as affecting the agriculture of that section suited to the cane; on hemp, as affecting another section; on woollen and cotton goods, as affecting the produce of other sections; tobacco, another. As a strong illustration how agriculture may be affected by duties on articles consumed merely, and not grown here, something more than half a million in value of salt is annually imported, paying a duty of twenty cents per bushel; and a large proportion of it being consumed by the farmers of the North, this duty is a tax on them. The hardy yeomanry of the country may ask, in time, to be heard on these and similar topics: and, though groaning under no such tithes and poor-rates as to require for relief the cumbrous system of British Corn Laws; though not wont to be so clamorous as those engaged in some other pursuits; though not thundering at your doors so often with petitions, memorials, and remonstrances; yet they have the

same constitutional right to notice, are as deeply interested in all the legitimate objects of national legislation; and, as lords of the soil, were known, by every hearer, to yield in no human excellence to the lords of the spindle. The other House had a similar committee, and he trusted this would be deemed an additional argument for one here.*

IMPORTANCE OF A LOW DUTY ON SALT.†

The bill to repeal, in part, the duties on Imported Salt, having been read a second time, was under discussion.

Mr. Woodbury said, the object and tendency of this bill had by some abroad been misunderstood, and by others misrepresented. Standing, as may be thought, in some degree, in a paternal relation to the measure, it might be expected that he should attempt to correct these errors, and vindicate it from the numerous objections with which it had been assailed. The bill, as you well know, Mr. President, was not intended to injure the fisheries: nothing of that kind being either implied or expressed in its provisions. But its legitimate operation will be to aid the fishermen, in common with all other consumers of imported salt. Neither is it gotten up in hostility to manufacturers, nor will it prove injurious to any due encouragement of them. Just as little, also, is it calculated to endanger the financial operations of the government, as permanently established for peace, or as they happen to exist at the present moment. The principle of the bill is altogether different, and lies within a single inquiry. It is this: Ought not a war-tax, — a tax imposed merely to meet the great exigencies of such a crisis, — a tax temporary at its commencement, exorbitant in amount, and partial in its operation, — ought not such a tax to be now lessened? That is the question. Now, after twelve years of plenty and peace, and after the fullest examination by committees has shown that the passage of the bill will aid, rather than injure, the fisheries, — will not sensibly affect the present operations of the treasury, or any permanent branches of the revenue, nor leave our manufacturers of domestic salt without a protection as great as is extended to any article of a similar character in the whole tariff, — these various circumstances bearing on the bill shall be adverted to, briefly as possible. But, the paramount, the primary object, is to ascertain if the present duty be indeed a

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* The committee was raised.

† A speech delivered in the Senate of the United States, Feb. 1, 1827.

war-tax. When I call the present duty on salt a war-tax, it is not by way of rhetorical figure, or for effect upon any honest prejudice; but it is to invite the attention of the Senate to the true origin of the duty, as tending strongly to illustrate the opinion, that, not having been designed for the state of things in peace, it is too large and unequal for any legitimate purposes, in the present condition of the country.

Gentlemen well remember, that, at the beginning of our late war, salt was entirely free from even the smallest duty. It was not till July, 1813, in a state of obstinate hostilities, under a diminished revenue, with extraordinary expenditures and accompanied by great financial embarrassment, that the present tax was imposed. It is well known, that, in such a condition of public affairs, all ordinary rules of taxation must bend. They must yield far enough to meet the controlling necessities of the country. The necessaries of life must then submit to be burthened, as well as its luxuries: and the poor, in common with the rich, must then defend their hearths and altars by large contributions and large sacrifices. It is on such occasions only that salt, though an article of the first importance to all classes, may properly be subjected to a great tax; because it is thus subjected in common with the soil we till for our daily bread, and with the houses that give us daily shelter from the weather. It is true, I grant, that the great bulk and weight of salt compared with its value, and that its universal use, often induce governments, in the exigencies of war, to select it for the most severe taxation, in preference to other necessaries; because, for these reasons, it is more difficult to be smuggled, and more certain to yield a revenue. But these circumstances, it is manifest, furnish no reason for the tax itself; and in an especial manner, when the tax operates exclusively on a single section of a country. The true reason for the tax itself is the controlling emergency of the occasion, — the stern necessities of war: and I trust that no fair-minded politician can ever repeat again and again the incidental circumstances before named, as the true reason for either imposing or retaining a tax so exorbitant, unequal and oppressive. Another decisive proof that it was deemed, when imposed, a mere war-tax, is the express limitation of its continuance, in the act of Congress, to only one year after the war. Had it been intended as a part of the permanent system of our revenue, or merely as a protection to manufacturers, why this limitation?

Again: The history of our country, which on this point cannot deceive us, shows, that when the duty had once before been increased, in 1797, as high as twenty cents, it was imposed as a quasi war-tax, on account of our difficulties with France. Then, too, was a limitation of it to three years; and never afterwards, till totally repealed, was it continued without an express protestation, in the act itself, that it was not to become, for any purpose, either of revenue or protection, a permanent part of our tariff system.

Our statesmen, at both periods, had numerous examples before them, and we now have still more, that a large tax on this article was injudicious, and inappropriate to any but a state of war; and that then, as before remarked, it had chiefly for its apology the great tyrant, necessity, — the great principle of self-preservation, and the right of government to all constitutional means most likely to preserve the endangered safety of the republic.

When the feelings of mankind, on any one subject, in different nations and ages, thus coincide, it is a pretty sure indication of their correctness. If a large salt tax in peace, then, has justly been the abhorrence of mankind in all time, something has always been thought, and should now be thought, due from government to such a universal sentiment. I shall not detain the Senate by references upon this point, when numerous instances are doubtless fresh in their recollection; and when none of us can have forgotten the eloquence upon this subject which was displayed in the Senate at our last session, from the gentlemen both on my right and my left. Permit me, a moment, to appeal merely to what has occurred within our own brief lives. Have we not seen the salt tax, or gabelle, in France, first imposed as a war-tax, become one of those wide-spread and odious oppressions most instrumental in rousing the great mass of the population in their late revolution, — a tax far more burthensome and execrated than even the tax upon tea in our own Revolution? Let it not be forgotten that there, as here, it had commenced as a war-tax; and had been remitted and renounced at different periods, till, under new pretexts, it slid into a permanent peace impost, equalling nearly one-fourth of the whole revenue of the empire. So stealth-like and absorbing is generally the character of power, when abused; and if no peaceful correction is in time made by rulers, the people themselves, on some great crisis, are generally inclined to inflict fearful retribution.

The tax on salt began in the same way in England, and fluctuated in amount, and was suspended on various occasions. But the vast expenses of her continental wars had, prior to the year 1816, compelled her, as a measure of unavoidable necessity, under such pressures, to increase her excise on salt to fifteen shillings sterling per bushel when used for domestic purposes, and from two to six shillings as used in various other specified ways. There, too, having begun in war, and at first being limited in duration, both rulers and ruled felt it had swollen with emergencies to a most oppressive burthen. They understood the principle on which it stood, and that it was fast beginning to be incorporated into her permanent system of revenue; and though they at first resisted a repeal, on arguments similar to those advanced yesterday and to-day, yet the natural hatred to such a tax in peace, the strong sense of justice among her statesmen, and the paternal regard of the government towards its agricultural subjects, at length overcame every obstacle. All opposition to its repeal was in

the end prostrated, and in May, 1822, provision was made for the gradual removal of the whole excise.

A brief history of the transaction will furnish an instructive lesson to us, who take pride in our alacrity to relieve the great mass of the people from their burthens, rather than in our ingenuity to find reasons for continuing them. The excise was the only tax felt on this subject.

The first proposition was to remove the excise one-third annually; the next, to leave a part of it permanent; but, in the end, thirteen-fifteenths was at once taken off, and the last two-fifteenths ceased in January, 1825. This was by the 3d of George IV.; and, what I may now as well state, once for all, the same statute removed not only the whole excise, but the whole duty on imported salt, except three pence per bushel. So that now, for every purpose, in England, whether of excise or tariff, or protection of any kind, the duty is short of ten cents on the bushel. The grounds of opposition to the repeal, as before remarked, were much the same there as here. It was urged to be an article difficult to smuggle, certain to yield a revenue, and too productive in amount for the government to spare from taxation. But though it furnished to the treasury more than a million and a half pounds sterling annually, — and though the yearly expenditures of England, at the time of the repeal, exceeded seventy-two million pounds sterling, and she needed more than half of her whole revenue to keep down only the interest on her national debt, —yet Parliament, from regard to the landed interest, and in the exercise of sound practical wisdom towards all classes, and in accordance with the enlightened magnanimity of the age, relinquished the whole, and reduced the duty on importations even lower than what is now proposed in this country. Here the objections to the present bill are much weaker than to that measure, and the arguments in its favor are much stronger. The amount of revenue to be released by this bill is not more than one twenty-fourth as large, and the necessities for the revenue here are, comparatively, nothing. On the other hand, the reasons for the repeal here are peculiarly urgent. Not only is the present exorbitant duty a mere war-tax, as we have attempted to show, but it is unequal in its operation, falling with most oppressive weight on the poor and middling classes. It resembles, to use the language of Mr. Gallatin in 1797, an odious poll tax, nearly equal upon every member of community, male or female, indigent or rich, because each consumer of food consumes about the same quantity of salt, and thus pays, as a consumer, nearly a like sum. The tax is especially burthensome and invidious to the agricultural interest. They are not only the most numerous portion of consumers, but in many cases of the use of salt they pay the whole tax in its price, without being able to obtain any remuneration in subsequent sales of the articles in which salt is used. To the farmer, like the elements of air and water, salt enters into the expense of almost every article he either consumes or sells; and, although in this

manner the tax is hourly felt, yet it is in such small quantities in each article as generally to elude calculation in the prices he obtains.

Nor can the tax, as one upon a luxury, or upon a mere convenience, be avoided by the highest degree of vigilance and economy; for the daily bread of every man, woman and child, is usually seasoned by this universal condiment, as well for health as pleasure; and, in the preservation of butter, cheese and meat, as well as in the feeding of every species of stock, its liberal use comports with the strictest frugality, and in our present state of society is almost indispensable.

To measure at once the partiality of the tax against agriculture, it has been seen that those engaged in this pursuit, though of moderate fortune, and often indigent, pay, as mere consumers, as much per head of the tax as those who compose the wealthier classes. As the number engaged in agriculture in this country amounts to full four-fifths of our whole population, they pay over $450,000 of the whole annual tax of about $600,000.

But they pay also, as purchasers of the salt that is incorporated into what they sell, but in so small quantities as not sensibly to affect the price, a large portion of the other $150,000 of the whole tax; and, in this way, doubly does the tax operate in a partial, oppressive, and, indeed, almost exclusive manner, on that portion of our population. What is still worse, it operates almost exclusively on a part of that population, in a single section of the Union, bordering on the Atlantic frontier. The British excise, before it was repealed, was much more friendly to agriculture than our present impost; because, while it imposed fifteen shillings per bushel on salt used for mere household purposes, the tax was only one-sixth of that sum, or two shillings and sixpence, on salt given to cattle, and only two shillings on salt used for preserving provisions. But here no discrimination comes in aid of the farmer, the utmost farthing of the highest duty being in every case exacted.

These and similar considerations have once, in this country, under the paternal administration of Mr. Jefferson, produced a total repeal of the duty on salt; and it was effected under circumstances no less creditable to the government, and gratifying to the agriculturalist, than was the late total repeal of the excise upon salt in England. In December, 1807, some time before the expiration of the duty as limited by the act, Congress cheerfully and magnanimously removed the whole of the burthen. The journals disclose the remarkable fact of only five nays in one House, and ten in the other, upon the final passage of the repealing bill.

Are we now to be considered less friendly to the great foundation-stone of all our prosperity, the agricultural interest? Shall we refuse to do even half as much for their relief, by a repeal of only half the present duty? Are we unable to do half as much for them as could be done twenty years ago? Are we not half as prosperous as at that time? and, notwithstanding little local interests, shall we not show

this magnanimity, after the recommendation of such a measure by three separate committees of our own House,—that on agriculture, the last session, and those on finance, of both the last and present sessions?

It now becomes me to notice more particularly some of the specific objections that have been started to the present bill. Objections are to be anticipated to every important measure, either from local interest or natural diversities of opinion; but a consideration of those offered in this case is due to the sources from which they come, and will serve, in my apprehension, to show their true character, as well as strengthen the arguments in favor of repeal.

One of those objections has been, that the bill is an inroad,—that it breaks in upon the permanent system of our public revenue. As if a tax once imposed, though under the iron necessities of war, was never afterwards, though in peace and abundance, to be lessened or repealed. As if, also, a tax, partial and unjust in its operation, could never safely be modified. The facts already named prove that the present duty on salt was imposed as a war-tax, and show that it was never, in its origin, designed as a part of the permanent system of our public revenue. The evidence of our own records, in their minutest details, accords with this general fact: because this large duty, when first imposed, in 1797, was expressly limited to only three years; in 1800, it was again limited to ten years, and, in 1807, entirely repealed. When imposed anew, in 1813, it was, moreover, expressly confined to a year after the war. It was then, as before, held out to the country as only a temporary measure; and that section more immediately aggrieved by it were soothed with the siren song, that, with the distresses and embarrassments of war, which had occasioned the tax, would also cease this unequal burthen.

It was not contended then, or at any subsequent period, till now, that a tax so unequal and exorbitant had been imposed as a permanent part of our revenue system; for, beside all other objections, and especially the inequalities of its operation, before enumerated, everybody can see that the whole of the tax falls almost exclusively on a single section of the country. Let us pause a moment on this circumstance, in connection with the idea that such a tax is to be permanent. Not only is it chiefly paid on the eastern side of the Alleghanies, but, even there, by a portion of that side, as domestic salt supplies some of their population. Our four and a half million bushels of imported salt (for in 1825 it was 4,574,202 bushels, and in 1823 it was 5,435,449 bushels), then, is about the average importation, for a few years past, and is all consumed by a population, in that quarter, not exceeding four and a half millions in number. What is used in the fisheries is as much consumed by that population as what is used at the dinner-table or in the meat-barrel. It thus becomes an exclusive tax on them of twenty cents per person annually, or nearly two dollars annually, to each agricultural family; or, in the State of New Hampshire alone, where no domestic salt is used, calling her population only two hun-

dred and fifty thousand, it becomes a tax of fifty thousand dollars a year; being full fifty per cent. more, on a single necessary of life, than the whole tax on the people of that State for the support of their State government. If the data for this calculation be the gross duty, and be thus apportioned, then the duty of 1823, for instance, which was 889,948 dollars, after deducting drawbacks for reëxportation, when divided among the four and a half millions who consume foreign salt, amounts to more than nineteen cents per head, and leaves the result not essentially different. This enormous tax, likewise, is imposed thus partially, not on a luxury, or even a mere convenience, which persons might, or might not, part with; but on an article of daily and universal necessity, and almost as indispensable to health as the air for breathing, or fire for warmth.

Again: if, in any permanent system of revenue, it should become expedient to tax highly the necessaries of life, it is palpable that the tax should not be so disproportionate as the duty on salt. For, when so disproportionate, one article consumed mainly in one section, and another in another section, are not equalized in the burthen they impose; because the highest impost on other necessaries seldom exceeds fifty per cent., while this impost on salt is generally two hundred per cent., and occasionally higher. On this last suggestion I shall soon offer some particulars, which, it is hoped, will be perfectly conclusive as to the fact of this great and invidious disproportion.

But though this tax cannot, for these reasons, in its present shape, be deemed a part of our permanent revenue system, it has been urged, by the senator from New York, that the amount derived from it cannot, at this time, be spared by the government. That objection is as old as the custom of taxation, and is invariably urged against the repeal of all taxes. Those who receive taxes always wish them continued, either for present or anticipated purposes. This same objection was pressed, but pressed in vain, in 1807, though the amount of revenue then relinquished was $515,920, while the present bill releases only $309,205. Then, also, the whole annual income from the duty ceased at one time, while now the half repealed does not take effect at all till next December, and only a moiety of it till a year from next December.

The same objection was, at first, insisted on against a repeal of the English excise on salt; but was urged in vain, though the revenue released amounted to more than six millions of dollars, or more than twenty times as much as this bill proposes to release, and though at a time when they needed nearly £50,000,000 sterling annually to discharge only the interest of their national debt. But in both countries, on the above occasion, the governments well knew that the impost was a war impost, — was partial in its operation and, after the exigencies of war ceased, ought not to be enforced. They well knew, further, that, in its origin, it was never intended as a part of their permanent revenue; and, if its amount was desirable in the financial operations

of the treasury, it would be far more just and wise to collect it from articles of luxury, or retrench, to that extent, some large expenditure.

"Better were it," says Anderson, in his Essay on Agriculture, page 330, "for the inhabitants of this country to pay one hundred times the amount of the free produce of the duties on salt, if levied in any one of a variety of ways that might easily be suggested, and which do not bind up the hands of industry as this does." He intimates further, what I hope will never be verified in America, — "But so long as party cabals shall occupy the minds of the leading men in the legislative and executive departments of government, to the exclusion of any object from their serious thoughts that cannot be immediately connected with them, it is in vain to think that observations which tend to promote merely *useful* measures, which might, perhaps, affect the interest and tend to disgust some powerful supporters of either party, or their adherents, will ever command the attention of any party."

The effect of this repeal, however, on the revenue, has commanded full attention in this body. The committees on finance, during two sessions, have deemed this partial repeal safe and expedient, under the present state of the finances; and a moment's reflection must convince all that even its nominal effect upon the revenue must prove much more inconsiderable than some have been inclined to suppose. Firstly, because the sum received from half the duty now to be released is small in itself, compared with the whole revenue, — being only about one-seventieth of it, — and is to be released at a future period, and divided into two separate years. And, secondly, because the article will be likely to become so much cheaper, by the reduction of the duty, as probably to increase its consumption, and in that way enable the government to realize, from the small duty, almost as much as they now realize from the large duty.

I shall not detain the Senate by arguments and analogous cases, to prove a position so well settled in political economy as that a large duty seldom or never yields twice as much as a reasonable duty only half as large. Two and two, in taxation, as Swift once remarked, seldom makes four. A single fact on this point will be sufficient. By the reduction of the British excise thirteen-fifteenths, it was calculated, on the old amount of salt consumed, that the remaining two-fifteenths would yield only £200,000 per year. But so greatly did the consumption increase, through the fall of price, by means of lessening the excise, that the impost exceeded £360,000; or, in other words, the consumption was nearly doubled. It was there, and will be here, under such circumstances, employed more freely in the feeding of all kinds of stock, in the preservation of meats and hay, in manuring the soil, and in various other uses too numerous for recital.

Again: this increased consumption would not only prevent the revenue from much diminution, but would improve the health, and

promote greatly the pecuniary prosperity of the agricultural class. I will not stop to argue this point in detail, any more than the preceding one, with which it is intimately connected. It will suffice to remark, that a very intelligent writer on this subject, whose work lies before me, calculates that the increased use of salt, by removing from it a large tax, would be so considerable, and at the same time so healthy and profitable, as nearly to double the utility of the same quantity of food without the free use of salt. One of his remarks on this point I will read, to prevent misapprehension: "It will be shown that, by the liberal use of salt in feeding cattle and sheep, not only many diseases of the latter might be prevented, but also that the same quantity of food might be made to go much further, by the judicious use of salt in feeding beasts, than can be done without it; so that, were the duty on salt removed, and the free use of that condiment adopted, it might be said to augment the quantity of food for beasts, I will not say one half, but in a proportion somewhat approaching to it, over the whole island; which is an article of such immense magnitude as almost to baffle all attempts at calculation." (And. 131.) Yet the excise in England on salt used for feeding cattle and sheep was only two shillings and sixpence per bushel, before the repeal.

This increased consumption will also confer an incidental benefit upon the navigation of the country. That navigation is now employed, in the freight of this article, to only from three and a half to five million bushels annually; and any increase of consumption, whether to six or eight millions, will extend a very acceptable benefit to the freighting trade of the country, now languishing and depressed.

The principal remaining objection to the bill comes from the professed friends to the domestic manufacture of salt; and having been reinforced by several memorials, read yesterday and to-day, as well as by eloquent appeals from the senators of Maine (Mr. HOLMES) and New York (Mr. SANFORD), I shall attempt to meet this objection in its fullest and strongest views. I am as ready as any person to give all expedient and just protection to any portion of the great and growing branch of national industry consisting of manufactures. But the present duty on salt was at first not imposed to introduce and protect its manufacture. So large a duty can never, on sound principles, be required for that object; and in its present amount it is both disproportionate and exorbitant. It was not imposed for that object, either in 1797 or 1813; because, as we have seen, it was, at both those periods, imposed for war purposes, and was expressly limited in duration, so as to meet only such purposes. The memorials against this bill concede that the encouragement of manufactures has only been an incidental or secondary effect from the duty. Again, it is contrary to all analogy and correct principles of political economy, to either retain or impose a tax so large and unequal for the protection of any manufacture whatever. Let me entreat the Senate to turn from general conjecture, and sympathetic appeals on this subject, to

established facts. When salt weighs sixty pounds per bushel, which is the usual rate, the duty amounts to full two hundred per cent. on the cost of the article; because it seldom costs, abroad, over ten or twelve cents per bushel. The price on the sea-board, as stated in the memorials on your table, is only from thirty-five to thirty-seven cents, when weighing seventy-eight pounds; which, deducting the duty on that weight, and the freight, would leave the original cost rather less than twelve cents. Another test, that this is about the first cost per bushel, is our own records. Take the imposts of 1825, and they are 4,574,202 bushels, and valued at 589,125 dollars, which averages twelve cents per bushel; and in the treasury tables it will be seen, in many cases, to be estimated at less than ten cents. On Turk's Island salt, which weighs eighty-four pounds per bushel, the duty ranges from two hundred to three hundred per cent.

Will gentlemen now please to compare this duty on an article of universal necessity, firstly, with the duties on our greatest luxuries? Take wines, not used by the poor and middling classes, but comparatively by nabobs, at a duty not one-half as large as that on salt, or never over one hundred per cent.; or take spirits of any kind, the greatest moral poison and curse of our whole population, at a duty never over two hundred per cent. Again, compare the present impost on salt with the duty on articles of general use and convenience, and whose manufacture it is very desirable to establish on the firmest basis, — as sugars, at a duty not over seventy-five per cent.; cottons, not over twenty-seven to forty per cent.; woollens, only thirty-seven and one-third per cent. And, lastly, compare it with what the senator from Maine calls manufactures essential in war, and hence to be highly favored in peace, — the duties on iron not averaging beyond thirty per cent.; on fire-arms, not over thirty to forty per cent.; and on gunpowder itself, only from twenty-five to forty per cent. Gentlemen are liable to err by dealing too much in generalities.

Pass the present bill, and it is thus manifest that you still leave for the protection of the salt manufacturers a duty of full one hundred per cent.; a duty treble the amount of what the most judicious politicians now consider sufficient to aid any established manufacture, and a duty far exceeding any other in our own tariff for the protection of the manufacture of any article, either a munition of war, or of the first necessity in either war or peace. Is this ruining manufactures? Is this injustice to the memorialists on the table? — leaving them three times as large protection as you give to the makers of iron, of woollen cloths, or of gunpowder? and some cents more than the present duty on imported salt in England, it being there, since January, 1825, only threepence per bushel? The House will thus judge whether the complaints of the manufacturers in Massachusetts against the bill — especially when they themselves say the present duty was imposed for revenue, and not for their protection — are either well-founded or consistent.

Again, the manufacture of salt in this country is far from being in its infancy, so as to require as large a duty as once might have been necessary, if ever necessary. Most of this manufacture — all of it in the interior — is beyond the power of tariffs or monopolies. Its foundations are not laid in twenty per cent. duties or tariffs of any kind, but are laid deep as those of the Alleghanies themselves. They are laid by God and nature, in the distance of the manufacture from the sea-board, the great expense in the transportation of so heavy an article, and the small cost of its production. These constitute an unalterable, an eternal protection, and one which a duty of even two hundred per cent. cannot affect beyond a distance of thirty or forty miles, — as it will not pay for its mere transportation beyond that extent, — over the dividing line of country, where the domestic and the imported salt can now be afforded at equal prices. The interior manufacturers, and the prices of their salt, except on that line, and to that extent, will remain as unaffected by this bill as they would be by a ukase in Russia. Those manufacturers, if they ask or need a protecting duty, will still have left a protection of one hundred per cent., which is treble that for their iron or wool, and with which, I am conscious, from their intelligence and magnanimity, all of them must remain fully satisfied. The manufacturers also on the sea-board will still enjoy an equal protecting duty of one hundred per cent. They have had thirteen years to establish themselves under a duty still larger; and if their works cannot now be continued to advantage, under a treble protection to what most other manufacturers enjoy, it will not be difficult to decide whether any fault should be imputed to Congress. It would only show that the finger of nature pointed out to them, as it has to the people of the west, from what quarter they should seek their great supplies of this article. They should seek it where made by the influence of the sun on the ocean that laves their shores, without so much expense or aid of art. Of the extent of the manufacture on the whole sea-board I have no means of judging, except from the duties, and from observation in my own State: and on those I did suppose, at the last session, that the manufacture was of such a character as to have diminished even under a duty of two hundred per cent. If, as a memorial read yesterday suggests, it has rapidly increased and become extensively established, then the legitimate inference for us is that it can now probably go on with a less duty. And if the manufacture existed before the last war, when no duty whatever favored it, and when the encouragement by the State in not taxing it could not exceed one or two cents a bushel (and, that it did so exist, they themselves state), then also would it seem they might now go on with a duty of ten cents per bushel. Their existence before the last war, but not their great utility during the war, — a point about which the senator from Maine spoke so strongly, — was evinced in a striking manner by the recorded fact, that those establishments, being necessarily planted so near the sea-shore, were often battered down, and laid under contribution at pleas-

ure, by the enemy. On the other hand, if they have declined since the war, it shows that the manufacture on the sea-board is one which no reasonable encouragement can there render flourishing; because the article is obtained so cheap at the salt islands and elsewhere, and can be so cheaply transported by water to the Atlantic shore. That it had declined I had reason to believe, because every old establishment in my own State had become abandoned; and because, notwithstanding the increased manufacture of salt in the interior, the use of imported salt in the country had increased, since 1807, nearly a million of bushels. This, it was supposed, could not have been the fact, if the manufacture of salt on the sea-board had also increased, or even remained stationary. But, be the manufacture on the sea-board prosperous or otherwise, the present bill will not, from a cause still different, be likely at present, if ever, to affect it essentially.

The northern West India vessels, which formerly loaded home with salt, mostly from the British islands, are now, by our difficulties concerning the colonial trade, driven entirely from that market; and the article must therefore, to an extent of nearly one-half our whole importation, be obtained more circuitously, and at an expense somewhat increased, though probably not so much as the proposed reduction of the duty. One other circumstance under this head. In speaking of the encouragement of manufactures by any duty, it is not to be forgotten that the present disproportionate duty on salt is a positive injury to many other useful manufactures in which salt is an ingredient. As an instance, I would mention the manufacture of the acid so largely employed in bleaching cottons and linens. Although this last manufacture may appear of diminished consequence in the eyes of those who have not witnessed the great establishments at the north for spinning and weaving cotton, yet of so much importance was it deemed in England, that for twenty years before the late repeal of their excise, the duty on salt used in the manufacture of that acid was greatly lowered, if not totally remitted.

So far, likewise, as the reduction of the duty would increase the consumption of salt, and thus give employment to more tonnage in its transportation, as we have before seen is highly probable, it would increase that most essential and much overlooked manufacture of vessels,—a manufacture, whether in a sectional or national view, of no trifling magnitude, and which, by its iron, canvas, and cordage, is also interwoven with many of our most valuable establishments. I believe that full eight-tenths of the freighting vessels from New Hampshire load homeward, more or less, with salt.

One or two collateral considerations have been so connected with this bill as to require some answer. It was urged at the last session, and has now been reürged by the senator from Maine, that the reduction of the duty on salt would not lessen its price to the consumer. This must mean, all other circumstances affecting the prices remaining equal or unchanged. Two replies can be made to this conjecture,

either of which might suffice. The first is, that if it will not lessen the price to the consumer, then the duty becomes a tax exclusively on the importer, and is thus partial, invidious, and oppressive to him. The second is, that if it will not lessen the price, and, in consequence of that fact, is not thus partial against any class deserving our protection, we might and ought to increase the duty still further, and might safely increase it to forty or eighty cents, or even eight hundred cents, on the bushel, and thus increase our revenue, without wrong to anybody, and with great benefit to the treasury. Because, if a reduction will not affect the price, neither would an augmentation; and in this way the soundness of the gentleman's reasoning is fairly tested. We might thus easily restore the blessings of the *gabelle* on salt in France, or of the late excise in England; and do it, too, on that reasoning, without injury or cause of complaint to any class of society. No. The whole argument is founded in misapprehension, and in a want of proper discrimination between the effect of a large and small duty on an article of small value. It arises from not discriminating between the effect of any duty on the price of an article, when the duty is equal to the original cost, or double that cost, and when it amounts to only a small fraction of that cost.

The duty on salt is not merely a twentieth or thirtieth of the whole price of it on the sea-board, as is the duty on many other articles, and, therefore, but slightly affecting their whole price; but it constitutes two-thirds of the whole price. This causes the distinction. Look also at real life, a moment. It must be idle to suppose that the salt used in the fisheries, and in common purposes, and which is chiefly bought of the importer himself, and of the merchant purchasing directly from the importer, would not vary in price, when the whole actual cost per bushel to the importer was only ten or twelve cents, instead of thirty or forty cents; and that removing the duty, and thus lessening the cost to him one-half or two-thirds, would not lessen the price he would be disposed to ask, or others would be willing to give. If any attempt was made to keep up the price, under such circumstances, all other things being equal, how soon would the eagle eye of enterprise and commercial competition watch to increase the importation of salt, so as to bring the market price to its just level! Again: if the repeal would not affect the price, what becomes of the gentleman's argument, that the manufactories must be injured or destroyed by a reduction of the duty? For, if the price remains the same, their business will remain as profitable as before. The whole conjecture, however, is erroneous, and, if pushed through, would forever prevent any reduction in any duty whatever. Indeed, it is less applicable to the case of salt than to any other duty in the whole tariff, as the duty on that article constitutes a larger proportion of its whole price, in the hands of the importer, than the duty on any other article within my recollection.

I cannot consent to detain the Senate much longer, and have

omitted much illustration on some points, which other gentlemen can better supply. I should now close, without any further reference whatever to the influence of this bill on the fisheries, had not the topic been so frequently and so elaborately pressed by others upon our consideration, as to require one or two passing remarks.

In the first place, the bill says nothing, and meditates nothing, about the fisheries, except by reducing the duty to benefit them, in common with other consumers of imported salt.

In the next place, none of the three committees by whom this bill has been recommended have ever uttered a syllable, or expressed a wish, to affect the fisheries by it unfavorably.

Again: if frauds have been perpetrated in the fisheries, as represented by the senator from Maine, and also by some of my constituents, I have never named them as a reason for lessening the bounty; but trust, with him, they could be prevented by different statutory regulations on licenses, and other subjects connected with that branch of business. Nor is the present bill the least obstacle, as he supposed, to a continuance of the present allowance to the fisheries. This bill does not repeal the whole of the present duty, as the argument would seem to imply, and therefore leave no ground for any allowance in the character of a drawback; but the bounty or allowance could as well be predicted on the residue of the duty as upon the whole of it. This allowance is not pretended by him to be limited to the exact amount of the duty on the salt consumed; else the repeal, whether total or partial, of the duty and of the allowance together, *pari passu*, could work no injury to the fisheries, as they would then have remitted to them, in taking off the duty on salt, the precise sum they now receive as a bounty. But the allowance is something more than the mere duty; it is intended, and properly so, as in some degree an encouragement and protection to an employment so profitable to the nation, and so indispensable to its supply of seamen, both in peace and war. It rests on broader and more national principles than driving a hard bargain with the laborious fisherman about the mere drawback of a duty of twenty cents per bushel on salt. It rests on such liberal and statesman-like views as are disclosed in Mr. Jefferson's Report on the Fisheries, in 1794. It rests on facts now existing, independent of any changes in the tariff, though first recognized in the act imposing a duty on salt, and which act will still remain in full force as to a duty of ten cents per bushel, and as to the present allowance. It rests on considerations like these: that, even with all the present allowance, our fishermen pursue their hardy and perilous employment under a direct bounty of full a half-dollar less per ton than the British fishermen; under the inconveniences of going to a greater distance to cure their fish; under a smaller protecting duty at home, against foreign fish; under the disadvantages that British fishermen pay no duty whatever on their salt; and hence, from all these causes, ours manifestly cannot compete at all, with less encourage-

ment, or, with less, continue to furnish our population with their cheap and healthy articles of food, as well as profitable products for exportation. Withdraw the present allowance, and you cut off, at one blow, most of our annual exports of fish and oil, amounting, after all the domestic consumption of those articles, even to a million and a half of dollars. I say most of them; for fish and fish oil, excluding whale oil, constitute above two-thirds of all our annual exports from the sea. In 1825, fish alone amounted to $1,078,773. Nor can the country ever establish so good a nursery for its navy as by encouraging and inuring some of its citizens in this way, in their youth, to ocean scenes and ocean dangers,—to cast the line, and throw the harpoon, under every latitude, and amid every peril. The prompt and fearless patriotism of this class of men, during the late war, as well as during our Revolution, furnished an ample return for every arrearage of favor from the government. They will always richly repay any continuance of favor. Nobody who knows their character as I do will be unwilling to give his pledge, that, in any future hour of national trial, they will again evince the same chivalrous devotion to their country, and be ready, at all times, to pour out their blood, like water, in defence of its glory and its rights.*

RELIEF OF THE SURVIVING OFFICERS OF THE REVOLUTION.†

It has become my duty, said Mr. Woodbury, as chairman of the committee who reported this bill, to explain the origin and character of it. I regret that this duty has not devolved upon some abler representative of the interests of the petitioners; but I regret it the less, as my colleagues on the committee possess every quality, of both the head and heart, to advance those interests, and will, no doubt, hereafter be seconded by an indulgent attention on the part of the Senate.

Who, then, sir, are the venerable men that knock at your door? and for what do they ask? They are not suppliants for mere favor or charity, though we all know that nothing but the proud spirit which helped to sustain them through the distresses of our Revolution has withheld most of them from reliance for daily bread on the alms provided by the present pension act. No, sir! they come as peti-

* The duty was reduced.

† A speech delivered in the Senate of the United States, in 1828. There is another speech on the same subject, but it is not embraced in this volume.

tioners for their rights. They come as the remnant of that gallant band, who enlisted your continental army, who disciplined its ranks, who planned its enterprises, and led the way to victory and independence. Confiding in the plighted faith of Congress, given in the form of a solemn compact, they adhered to your cause through evil report and good report, till the great drama closed; and they now ask only that the faith so plighted may be redeemed. Amid the wrecks from time and disease, during almost half a century, short of 250 now survive, out of 2480 who existed at the close of the war. Even this small number is falling fast around us, as the leaves of autumn; and this very morning a gentleman before me has communicated the information, that another of the most faithful among them has just passed "that bourn whence no traveller returns." It behooves us, then, if we now conclude, in our prosperity and greatness, to extend relief, either from charity, gratitude, or justice, to do it quickly.

My great anxiety is, in the outset, to prevent any misapprehension of the true grounds on which the appropriation is founded. Throughout the whole inquiry, there is no disposition to censure the motives or policy of the old Congress. They adopted such measures as the exigencies and necessities of the times forced upon them; and now, when those exigencies have ceased, it is just, as well as generous, to give such relief as the nature of the case may demand.

A very great obstacle to the success of this measure heretofore has been a prevalent opinion that these petitioners are seeking compensation merely for losses sustained on the depreciation of continental money, and certificates received for their monthly wages; whereas, from their first memorial, in A. D. 1810, to the present session, they have invariably rested on the non-performance, by Congress, of a distinct and independent contract. All the losses on their monthly wages they bore in common, and are willing to forego in common, with many in the walks of civil life, and with the brave soldiers under their command. This is the plain and decisive reason why none but officers are embraced in the present bill. The contract on which they rely was made with the officers alone; and gallant and unfortunate as were the soldiers, the officers have endured, and will continue to endure, without repining, still severer sufferings from the worthless money and certificates received for their wages; because those losses were perhaps too large, and too general, in all departments of life, ever to warrant the expectation, or practicability, of complete remuneration. I have said severer sufferings on this account by the officers; because the money received for wages before A. D. 1780, worth only one dollar in the hundred, was, to the officers, the only means to purchase camp equipage and clothing, that were furnished to the soldiers out of the public arsenals; and because the soldier often received, besides, liberal bounties, both at home and from Congress.

Let it, then, be distinctly understood, that, notwithstanding this disparity against the officers, no such losses or depreciations form any

part of the foundation for this bill. A moment's attention to the history of that period will show the true ground of the appropriation. After this unequal pressure had continued nearly three years,—after the officers had sustained their spirits, during that trying period, under such disadvantages, by the force of those principles that led them at first to join in the pledge to the cause of "their lives, their fortunes, and their sacred honor,"—after their private resources had become nearly exhausted in supplying those wants which their country was unable, rather than unwilling, to satisfy,—there arose a state of things which led to certain proceedings by Congress in relation to half pay.

The prospect had nearly vanished that any honorable accommodation could be effected with the parent country. The contest seemed likely to become more severe, and to be protracted for many years; and it was obvious that many of the officers, thus impoverished and disheartened, must actually resign, in order to provide themselves with decent clothing, and to maintain their families, and secure any subsistence for advanced life, or that they must receive some assurance of future indemnity, if they continued in service, and abandoned everything else to sink or swim with the military destinies of their country.

It was then that the resolve of May 15th, 1778, granting half pay, for only seven years, to all who continued in service till the close of the war, was passed.

This short period of half pay was dictated rather by the inability of Congress to provide a longer one than from an impression that it was, in truth, sufficient, or in accordance with any similar system in the armies of Europe. Hence, a committee, May 24th, 1779, reported a resolution allowing half pay for life to the same class of officers, and justly grounded it on the great risks they were called to encounter,—on their great sufferings and sacrifices of youth, ease, health and fortune, in the cause of their country. But the want of resources in Congress induced them to postpone this subject, and, on the 17th of August, 1779, to urge upon the respective States the expediency of adopting such a resolution, and of pledging for its fulfilment their State resources. The power of the States over those resources was much more effective than that of the Confederation over the States. But such were the general gloom and despondency of the times, that not a single State, except Pennsylvania, complied with the recommendation. The currency continued to depreciate more and more, daily; the officers, in many instances, were utterly unable, by their whole pay, to procure decent apparel; treason had penetrated the camp in the person of Arnold; Charleston had been surrendered, Lincoln captured, Gates defeated at Camden, the Southern States overrun by Cornwallis; our soldiers had become discouraged, and the great military leader of the Revolution had become convinced, and had urged, with his usual energy, upon Congress, that the adoption of this resolution was almost the only possible method of retaining the army together. Under such appalling circumstances, Congress passed, on the 24th of

October, A. D. 1780, the resolution which I will now take the liberty to read:

"*Resolved*, That the officers who shall continue in the service to the end of the war, shall also be entitled to half pay during life, to commence from the time of their reduction." (1 U. S. Laws, 688.)

This, with one or two subsequent resolutions, explaining and modifying its provisions as to particular persons, constitutes the great foundation of the bill under consideration. The promise was most solemnly and deliberately made; the consideration for it was ample, and most honorably performed by the officers; and yet, on the part of Congress, its stipulations have, in my opinion, never, to this day, been equitably fulfilled. As to the binding effect of the compact on Congress, nobody can pretend to doubt. I shall, therefore, not waste a single moment in the discussion of that point. But I admit that the officers were first bound to perform the condition faithfully of serving to the close of the war, however long or disastrous. Did they do it? History and tradition must convince all, that, through defeat as well as victory, they clung to our fortunes to the uttermost moment of the struggle. They were actuated by a spirit and intelligence the surest guarantees of such fidelity. Most of them had investigated, and well understood, the principles in dispute; and, to defend them, had flown to the field of battle on the first alarm of war, with all the ardor of a Scottish gathering, at the summons of the fiery cross. And it is not poetry, that one of my own relatives, an officer, long since no more, when the alarm was given at Lexington, left for the tented field the corpse of his father unburied:

> "One look he cast upon the bier,
> Dashed from his eye the gathering tear,"

and hastened to devote his own life to the salvation of his country. In the same duty,—in performing their part of the compact, to serve faithfully to the close of the war,—these petitioners endured the frosts of winter, often half sheltered, badly fed, badly clothed, and badly paid. God forbid that I should exaggerate! The naked truth is stronger than any coloring of fancy. We have the authority of their commander, that they were, at times, in such a condition as to be unable and ashamed to receive their friends; but never, I believe, loth to face their enemies. Their paths were sometimes marked by their blood; their courage and constancy tried by frequent alarms, by ambuscade, and the pitched battle. But they never faltered; and when, towards the close of the war, neglect on the part of Congress, as to their monthly wages, might have justified, under most circumstances, disquiet and distrust; and when, at Newburg, they were tempted with the insidious taunt, that if, relinquishing their arms and retiring home with the promises made to them unfulfilled, they would "*go, starve and be forgotten;*" yet they disbanded in peace, and expressed their "*unshaken confidence in the justice of Congress.*"

Washington, himself, declared in substance, that by means of this resolve the officers were inspired to make renewed exertions; to feel a security for themselves and families which enabled them to devote every faculty to the common cause; and that thus was an army kept together which otherwise must have dissolved, and we probably have been compelled to pass again under the yoke of colonial servitude.

For all this fidelity to the performance of their part of the compact, the officers have been duly thanked by many Congresses, and applauded by the world. They have occupied a conspicuous niche in toasts, odes, and orations, and some of them have animated the canvas and breathed in marble.

But has the promise to them of half pay ever been either literally or substantially fulfilled? That, sir, is the important question. I answer, not literally, by any pretence, from any quarter. No half pay, as such, has ever, for any length of time, been either paid or provided for one of the petitioners. Almost as little, sir, can there be a pretence that it has been substantially fulfilled. No kind of fulfilment has been attempted, except in the commutation act, passed March 22d, 1783.

That act grew out of objections, in some of the States, to the system of half pay as a system, because not strictly republican in theory, and because everything of a pension character had become odious, by its abuse, in some governments, in the maintenance of hirelings who had performed secret and disreputable services.

Some of the officers, being anxious to remove any formal objection, petitioned Congress for a commutation or change in the mode of indemnifying and rewarding them. No opposition had been made to the amount or value of the half pay; and, therefore, as appears in the commutation act itself, the officers expected, if a change took place, a full "*equivalent*" in value to the half pay for life.

[Mr. W. here read the act, from 1 United States Laws, 687.]

But, instead of such an equivalent, Congress gave, by that act, what was far short of an equivalent, whether we regard the particular ages at that time of these petitioners, or their average age with the other officers, or the period they have actually since lived. Congress gave only five years' full pay to the youngest in the line, and just as much to the eldest,—treating the officer of twenty-five as not likely to live any longer than him of seventy; and subjecting the former to take for his half pay, which he was entitled to for his whole life, of probably thirty-five years, the same small sum bestowed on him not likely to live over ten or fourteen years.

If we look to the average age of all the officers at that time, the commutation was still inadequate. That age was probably not over thirty; none have pretended to consider it over thirty-five; and, on all observations in similar climates, and all calculations of annuity tables, such persons' lives would be likely to extend beyond thirty

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years; and thus their half pay for life be, on an average, worth the gross sum, *in presenti*, of at least seven years' full pay. Any gentleman can test the general accuracy of these results, by a reference to Price's Annuity Tables, and to Milne on Annuities. In England, Sweden, and France, it will be seen that a person of thirty years of age is ascertained to be likely to live thirty-four more; and of thirty-five years of age, to live about twenty-eight more. An annuity for thirty-four years is worth a fraction more than fourteen times its annual amount, if paid in a gross sum in advance; and one for twenty-eight years, only a fraction less than fourteen times its annual amount. So that seven years' full pay is as near a fair commutation for the half pay for life, taking their average ages, as can well be calculated, or as is necessary for the present inquiry.

Again: If we advert to the real facts, as since developed, these petitioners, had the commutation act not passed, or not been at all binding, would now receive twenty-two, instead of five years' full pay, as they have survived, since the close of the war, over forty-four years.

Congress, as if conscious that the pressure of the times had driven them to propose a substitute for the half pay for life, not in any view sufficient or equivalent, as regarded the younger officers, who alone now survive and ask for redress, provided, in the commutation act, not that each officer might accept or reject it at pleasure, but that it should take effect if accepted within certain periods, not exceeding six months, by majorities in the several lines of the army. The most influential officers, in any line, are of course the elder and superior ones. To these, as a general rule, five years' full pay was a fair equivalent; and, by their exertions, the commutation was accepted by majorities in most of the lines, and no provision ever afterwards made for such officers as were either absent or present, and dissenting.

No evidence can now be found, however, of any acceptance, even by majorities, in any of the lines, till after the expiration of the six months prescribed. But a report of the Secretary of War, dated October 31, 1783 (8 Journals of Congress, 478), enumerates certain lines and individuals that had then signified their acceptance. It would be difficult, as might be expected, to find among the individuals named one who still survives. Those then the youngest, and now surviving, must have felt deeply the inequality proposed; and if most of them had not been absent on furlough, by a resolve of Congress, after peace was expected, probably even majorities in the lines would never have been obtained. The certificates were made out for all, without application, and left with the agents; no other provision was made for those entitled to half pay, and it remained with the younger officers to receive those certificates or nothing.

But it is most manifest that Congress had no legal right to take away from a single officer his vested half pay for life, without giving him a full equivalent; or, to say the least, what the officer should

freely and distinctly assent to, as a full equivalent. It would be contrary to the elementary principles of legislation and jurisprudence: and a majority of the lines could no more bind the minority, on this subject of private rights of property, than they could bind Congress, or the States, on questions of politics. This point need not be argued to men who, like those around me, have watched the discussions and decisions in this country, the last quarter of a century. But no such individual assent was asked here: it was, indeed, declared to be useless for any minority of individuals to dissent; the commutation not having been, in any view, a full equivalent, individual assent cannot fairly be presumed. The subsequent taking of the certificates was merely taking all that was provided, and all they could get, without any pretence that they took it as a full and fair equivalent. And hence it follows, that, on the lowest computation, two years' more full pay are necessary to make anything like a substantial fulfilment of the compact on the part of Congress. In truth, twenty years more would be less than the petitioners could rightfully claim now, if the commutation act had never passed, or if the position was clearly established, that the commutation act, as to them, was under the circumstances entirely void. To say that such a transaction, resorted to under the pressure of the times, and finding no apology except in the severity and necessities of that pressure, should not be relieved against when the pressure is over, and our means have become ample, is to make a mockery of justice, and to profane every principle of good faith.

But consider a little further the history of these proceedings, on the supposition that the five years' full pay was an ample equivalent to all. Was it either paid or secured to them in such manner as to become anything like a substantial fulfilment of the promise? Though the act allowed Congress to give the officers money or securities, and though these last might be in the form prescribed for other creditors, yet the act contemplated giving them money or money's worth, else it doubly violated the former engagement to give them half pay for life. The very nature of half pay, or of any commutation for it, implies that it should be actually paid, or so secured as to raise the money whenever it becomes due. They were here intended as means for immediate maintenance or business to those who, by peace, would be thrown out of their accustomed employment and support. This is too plain for further illustration; and, in conformity with these views, Congress forthwith effected a loan in Europe, and paid in money all the foreign officers entitled to the commutation. But how were the petitioners treated? They did not obtain a dollar in money, and even their certificates were not delivered till six or nine months after their right to half pay accrued; and when received, so far from being secured by pledges or requisitions rendering them valuable as money, the officers could not obtain for them in the market over one-fifth of their nominal amount. The receipts given for these certificates truly

omitted to state that they were in full payment of either the commutation or the half pay. By such means these petitioners, to supply the then existing wants of themselves and families, which was the legitimate object of both the half pay and its commutation, in fact realized only one, instead of five years' full pay, or only two years' half pay, instead of half pay for life.

If this was a substantial fulfilment of the promise to them, I think it would be difficult to define what would have been a defective, delusive and unsubstantial fulfilment. But it has been suggested that the petitioners might all have retained their certificates till afterwards funded, and in that event have escaped loss. Can gentlemen, however, forget that the very design of half pay was to furnish food and raiment, and not a fund to be deposited in bank for posterity? and that, though the use of a portion of it, if all had been paid at once, might have been postponed to a future period, yet their necessities utterly forbade most of them from not resorting forthwith to a single year's pay, which was the entire value of the whole certificate? It is another part of the distressing history of this case, that if, on the contrary, every officer had retained his certificate till funded, his loss on it would have been very near one-third of its amount. But on this point I shall not dwell, as its particulars are more recent and familiar. It will suffice to call to your minds, that the provision made for the payment of these certificates in A. D. 1790 was not by money, nor virtually to their full amount, but by opening a loan, payable in those certificates, and a scrip of stock given for them on these terms: one third of the principal was to draw no interest whatever for ten years; and all the interest then due was to draw thereafter only three per cent. Without going into any calculations of the value of different kinds of stock, under different circumstances, it is obvious that such a payment or security was not worth so much, by nearly a third, as the money would have been worth, or as scrip would have been worth for the whole then due on six per cent. interest.

It is true that this loan was, in form, voluntary; but it is equally true, that, as no other provision was made for payment, no alternative remained but to accept the terms. Hence, if the officer sold his certificate from necessity, he obtained only one-fifth of the amount therein promised; or, if he retained it, he obtained only about two-thirds of that amount.

What renders this circumstance still more striking, we ourselves have in this way saved, and reduced our national debt below what it would have been, many millions of dollars, —from eighteen to fifteen, I believe, —and yet, now, in our prosperity, hesitate to restore what was taken in part from these very men, and when not from them, taken from others on account of their speculations on these very men, and their associates in arms. It was, at the time of the funding, thought just, and attempted by some of our ablest statesmen, to provide some retribution to the original holders of certificates for the losses that had been sus-

tained on them — to provide in some way a partial restoration. But the inherent difficulty of the subject, and the low state of our resources, prevented us from completing any such arrangement, though we were not prevented from saving to the government, out of those very certificates, and similar ones, ten times the amount now proposed for these petitioners.

On this state of facts, then, I hold these conclusions: That what is honest, and moral, and honorable, between debtor and creditor in private life, is so in public life. That a creditor of the public should be treated with at least equal, if not greater kindness, than the creditor of an individual. That when the embarrassments of a debtor give rise to a mode of payment altogether inadequate to what is justly due, and this kind of payment is forced upon the creditor by the necessities of either party, the debtor ought, when relieved from his embarrassments or necessities, to make ample restitution. That it is the dictate of every moral and honorable feeling to supply the deficiency; and especially should the debtor do this where the inadequacy was more than four-fifths of the whole debt; where the debtor, by a part of the arrangement, saved millions to contribute to his present prosperity, and where the debt itself was, as in the present case, the price of blood lavished for the creditor, the wages of those sufferings and toils which secured our present liberties, and fill the brightest page of glory in our country's history. The great military leader of the Revolution has given his sanction to this measure, in the strongest terms, when, calling to mind the lion hearts and eagle eyes that had surrounded and sustained him in all his arduous trials, and reflecting that they, — not soldiers by profession, nor adventurers, but citizens, with tender ties of kindred and friendship, and with cheering prospects in civil life, — had abandoned all to follow him, and to sink or swim with the sacred cause in which he had enlisted, he invoked towards them the justice of his country, and expressed the fullest confidence that "a country rescued by their arms will never leave unpaid the debt of gratitude."

It is not to be forgotten that a measure like this would remove a stain from our history. Its moral influence on our population, in future wars, — for wars we must expect, again and again, — its consonance with those religious, as well as moral principles of perfect justice, which, in a republic, are the anchor and salvation of all that is valuable; its freedom, I trust, from political prejudice and party feeling, — all strengthen the other reasons for its speedy adoption.

Nor have the imputations against it, as a local measure, been at all well founded. What is right or just in regard to contracts, is right without regard to the residence of individuals, whether in the east, the west, or the south. But, independent of that consideration, these venerable worthies, though once much more numerous at the north than elsewhere, have since followed the enterprises of their children, and pushed their own broken fortunes to every section of the Union. It is impossible to obtain perfect accuracy as to their numbers and

residence. But, by correspondence and verbal inquiries, it is ascertained that four or five survive in New Hampshire; from thirty to thirty-five in Massachusetts and Maine; five or six in Rhode Island; five in Vermont; sixteen in Connecticut; twenty in New York; twelve in New Jersey; eighteen in Pennsylvania; three in Delaware; twelve in Maryland; thirty-three to thirty-eight in Virginia and Kentucky; ten to twelve in Ohio; twelve or fifteen in the Carolinas, and five or six in Georgia. As, by the annuity tables, something like two hundred and fifty ought now to be alive, the computations have been made on a medium of two hundred and thirty, between the number ascertained and the conjectural number.

The question, then, is of a general, public nature, and presents the single point, whether, in the late language of an eloquent statesman of New York, these veterans shall any longer remain "living monuments of the neglect of their country."

All the foreign officers whose claims rested on the same resolve were, as I have before stated, promptly paid in specie; and their illustrious leader, Lafayette, by whose side these petitioners faced equal toils and dangers, has been since loaded with both money and applause. Even the tories, who deserted the American cause, and adhered to one so much less holy and pure, have been fully and faithfully rewarded by England; and it now remains with the Senate to decide,—not whether the sum proposed shall be bestowed in mere charity, however charity may bless both him that gives and him that takes,—nor in mere gratitude, however sensible the petitioners may be to the influence of either,—but, whether, let these considerations operate as they may, the officers should be remunerated for their losses, on those broad principles of eternal justice which are the cement of society, and which, without a wound to their delicacy and honest pride, will, in that event, prove the solace and staff of their declining years.

I shall detain the Senate no longer, except to offer a few remarks on the computations on which the sum of $1,100,000 is proposed as the proper one for filling the blank. Various estimates, on various hypotheses, are annexed to the report in this case, and others will doubtless occur to different gentlemen. But if any just one amounts to about the sum proposed, no captious objection will, I trust, be offered on account of any trifling difference. It is impossible, in such cases, to attain perfect accuracy; but the estimates are correct enough, probably, for the present purpose.

The committee have proposed a sum in gross rather than a half pay or annuity, because more appropriate to the circumstances of the case, and because more acceptable, for the reasons that originally gave rise to the commutation.

On the ground that these officers were, in 1783, justly entitled to two years' more full pay, as a fair equivalent for half pay during life; and there being 230 of them of the rank supposed in the report, their monthly pay would be about $30 each. This, for two years, would

be $720 each, or $165,600 due to these petitioners, at the close of the war, over and above what they then received certificates for. The interest on that, for forty-four years, would be $437,184, which, added to the principal, makes $602,784.

If to that be added what they lost on their certificates by depreciation, which, at four-fifths, was $331,200, the sum, without any interest on the depreciation, amounts to $933,984; or, with interest, to more than a million and a half; or, if the depreciation be considered seven-eighths, as it really was, the sum would be still larger. On the other hand, if nothing be allowed for depreciation on the certificates, but one-third be considered as lost in funding, that one-third, in A. D. 1791, would be about $204,240, and interest since would swell it to $645,434, which, added to the two years' pay not received, and interest on that pay, makes the whole $1,248,218.

Another view of the case, which seems to me the most technical, and which avoids all difficulty about loss, either by depreciation or funding, will lead to about the same result as to the amount. It is this. On the ground that seven years' full pay was the smallest sum which, in A. D. 1783, could be deemed a fair equivalent for the half pay for life, then the petitioners got certificates for only five-sevenths of their half pay; or, in other words, five-sevenths of their claim was extinguished and paid. The other two-sevenths, then, has annually accrued since, and will continue to accrue while the petitioners survive. This two-sevenths being $51.42 per year to each officer, or $11,826 to these officers, would amount at this time to $520,-344; and the interest accruing on it, during only thirty-five years, would make it exceed the $1,100,000 proposed. The amount is fairly reached by this view of the case, without a single cent for either depreciation or loss in funding, and thus does not indirectly touch a single fact or principle upon which a similar allowance could be made to anybody besides these officers. Gallant, and meritorious, and suffering, as were the soldiers,—and none could be more so,—worthy and affectionate as may have been the surviving widows, and distinguished as may have been many of the officers' heirs, for filial and generous devotion to smooth their declining years,—they all stand on their own cases and merits. None of them have been referred to the committee who reported this bill; and they can all be provided for otherwise, this session, or hereafter, if thought proper. Let the present appropriation be tried first on its own grounds, and then, by subsequent amendments of this bill, or by new bills, let an appropriation for other classes of persons be also tried on its own grounds. All I ask and entreat is, that if, either in strict law or in justice, whether grounded upon the original defective commutation, the depreciation of the certificates, or the loss in funding, any member is convinced that the sum proposed to the officers is a fair one, that he will first consider the case of the officers, and support this motion. If any think a different sum more proper, I hope they will propose that sum in due

time; and thus let the sense of the Senate be fully expressed upon one case at a time, and upon the only case now duly before us. In this manner only can anything ever be accomplished.

The amount of the sum now proposed cannot be objected to on the grounds that doubtless caused the losses and sufferings which we are now seeking to redress. The country during the Revolution, and at its close, would hardly have been unwilling to bestow twice the amount, had its resources permitted. But now, such have been our rapid advances in wealth and greatness, by means of the rights and liberties the valor of these men contributed so largely to secure, that the very public land they defended, if not won, yields every year to our treasury more than the whole appropriation. One-twentieth of our present annual revenue exceeds it. A fraction of the cost of the public buildings, the expense of two or three ships-of-the-line, one-tenth of what has been saved to our national debt in the funding system, a tax of ten cents per head on our population only a single twelvemonth,—either of them would remove all this reproach.

But, whatever might be the cost, I would say, in all practicable cases, be just and fear not. Let no illiberal or evasive feeling blast the hopes of these venerable patriots. Much longer delay will do this as effectually as a hard-hearted refusal, since the remains of them are almost daily going down to the city of silence. Either drive them, then, at once from your doors, with taunts and in despair, or sanction the claim. So far as regards my single self, before I would another year endure the stigma of either injustice or ingratitude to men like these, I would vote to stop every species of splendid missions, I would cease to talk of Alleghany canals, I would let the capitol crumble to atoms for want of appropriations, and introduce retrenchment from the palace to the humblest door-keeper.

It has formerly been said, that if these officers are relieved, so must be those of the late war. But, deserving as were these last, the cause in which they fought required much inferior sacrifices. They were not contending under the stigma of traitors, liable to the halter; they were liberally and promptly paid; and, whatever small depreciation may have existed in the treasury notes taken for their monthly pay, it was infinitely less than the losses sustained by these petitioners on their monthly pay, and for which they neither ask nor expect relief.

One other consideration, and I will at this time trouble the Senate no longer. The long lapse of time since the claim originated has been objected formerly to its success. But what honest individual shelters himself under a statute of limitation, if conscious that his promise has not been substantially fulfilled? Under such circumstances, it is no defence, either in the court of conscience or in a court of honor; and Congress have often shown their liberality in waiving it, where expressly provided to bar an application.

Here no express bar has ever been provided. Before their first application, the officers waited till A. D. 1810, when old age and

infirmity rendered them more needy, and when many years of prosperity had rendered their country more able. However numerous, and technical, and evasive, may have been the objections since interposed, let it not be forgotten that, in performing their portion of the compact, however neglected as to food or wages, they never were heard to plead excuses or evasions, however appalling the danger, whether roused by a midnight alarm or invited to join a forlorn hope.

Like others, too, it may be imputed to them, in derogation, that they were "military chieftains." But if, as such, for a time, they did, like others, nobly help "to fill the measure of their country's glory," so, like others of that class, they have often distinguished themselves in forums, cabinets and halls of legislation.

Whatever "honor and gratitude" they have yet received is deeply engraven on their hearts; but they now also need—and they ask only because they need—the additional rewards of substantial justice.

It remains, sir, for us, whose rights they defended and saved, to say whether they shall longer ask that justice in vain.

JUDICIARY OF THE UNITED STATES.*

Mr. WOODBURY offered the following motion:

"That the Bill to extend the Judicial System be recommitted to the Committee on the Judiciary, with instructions to report such amendments as will remove any existing grievance, without an increase of the number of judges of the Supreme Court."

He addressed the Senate as follows: The gentlemen near me, sir, ask for my views in submitting the motion on your table. The task is one I undertake with reluctance; but, at the same time, one from which I have no right to shrink, and which shall be discharged with all practicable brevity.

The strong, the prominent feature of this bill is, in my eye, its extraordinary increase of the number of judges of the Supreme Court. Before yielding my approbation to such an increase, I feel anxious to obtain further facts and principles in illustration of its necessity; and as the particular friends of the bill unquestionably think that abundant reasons exist for so novel a measure, this motion must afford gratification to them, and be received in the spirit of kindness, as it will afford them the opportunity, doubtless desirable, to spread those reasons before persons of less local knowledge concerning the region of country whose grievances the bill is particularly designed to remove.

I am thus exposing myself to become a convert to their opinions, rather than cherishing any vanity of my power to convert others.

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* A speech on the Judiciary Bill, and against the increase of judges; delivered in the Senate of the United States, April 11, 1826.

It will be seen that the motion presents only a single point of specific instruction as to the bill which may be prepared for their relief; leaving the committee to adopt, for our future consideration, any efficient scheme whatever, which shall not enlarge the Supreme Court.

If the motion should prevail, additional instructions, by other motions, can be proposed by gentlemen who are friendly to particular plans: such as the circuit plan, with the attendance of a judge of the Supreme Court once a year; or such a plan, dispensing with his attendance altogether; or any other which the observation and reflection of those around me may have satisfied them is most eligible.

But, should this motion not prevail, then the consideration of any of these plans would be useless; and hence I desire to put to the Senate the single, unembarrassed, and naked question, whether they believe any exigency now exists which demands and justifies the unprecedented increase of the Supreme Court to ten? Has anything been exhibited to us which renders such an increase necessary, proper, or safe?

In an attempt to obtain some certainty as to the operation of this increase in the members of that court, and as to the real reasons which exist for the increase, so that the Senate can act understandingly upon the present motion, we shall not, it is hoped, be misled by the title of the bill. The living principle of any measure lies deeper.

The title is merely "to extend the judicial system," and not to alter or amend it: so the title to the act of February 13, 1801, was to "provide for the more *convenient* organization of the courts," &c.

But as that, under the then condition of the country, was not long found by the people to be very "convenient," so this will not be found a mere extension of our judicial system to places where it never before prevailed. The judicial system now in operation in all the nine States covered by this bill has been a part of the judicial system of the Union, with the exception of about one year, ever since the first judiciary act of A. D. 1789, to the present moment. Because we all know that, for local duties, District Courts and Circuit Courts have ever been this system, with the right of appeal, in certain cases, to the Supreme Court; and that the only difference, in different regions, has been simply what now exists in some of these nine States, and in parts of some Atlantic States,—namely, that in new and thinly-peopled sections of country the Circuit Courts have been held by a district judge alone.

But the proposed bill not only alters this system for local purposes, by requiring the attendance of an additional judge at the Circuit Court in regions of country not so populous as those where the judges of the Supreme Court now attend, but it alters the system for general purposes, by enlarging the Supreme Court itself one-half its whole original number, by leaving its quorum so that contradictory decisions may constantly be made without any change in the court itself, and

by increasing it to as great an extent as a majority of its present quorum, so that new results may possibly be produced in all its grand supervising powers over each State, and over the whole Confederation.

It is thus that a principle lurks in the last effect of this great alteration, which, in the opinion of many, should carry anxiety and dismay into every heart; because, among other objections, hereafter to be noticed, it places at the mercy of the legislative breath, in any moment of over-heated excitement, all that is valuable in any constitutional judgment on its records. We have only, as in this case, to add a number to any court sufficient to balance a majority of its quorum, and, by a union of feeling with the appointing power, secure judges of certain desirable opinions, and any political or constitutional decision can, in the next case which arises, be overturned. Every security is thus prostrated. The system is not extended; but is, in principle, destroyed. For thus does this increase open an avenue to a radical change in the highest functions of one great department of our government; and a department, too, of all others, the most endangered by any change, because, in its very nature, designed for permanency, independence, and firmness, amidst those tempests which, at times, convulse most of the elements of society.

Gentlemen must perceive that I speak only of the general tendency and alarming character of such an increase, without reference to the motives which have now recommended it. They are, doubtless, pure. But its propriety is to be tried by the reasons for it, and not by motives. And, without stopping to trouble the House with any detail as to further inconveniences, injuries, and dangers, from this extraordinary increase in so important a department, let me ask, sir, what are its justifications? By whom is it called for? Who has stood forth and proclaimed that public sentiment throughout the Union has demanded it? Whatever may be the jealousies and apprehensions concerning the general course of decisions in that court, so eloquently sketched by the chairman of the judiciary committee, who has shown the loss of public confidence, the errors of opinion, or denial of justice, by that court, which this great increase of its numbers is sought and is adapted to correct? No, sir. I undertake to aver that, so far as this bill alters the Supreme Court itself, by that increase, and thus affects its discharge of all its general duties as the supreme constitutional court for the whole Confederacy, it is a bill entirely uncalled for by the whole Confederacy, or perhaps by any part of it; and, at the same time, it is entirely unfitted to remove any actual grievance which exists in the discharge, by that court, of those general duties.

The fallacy of the measure consists in this: This bill is to be passed mainly for the removal of local evils, now existing in the west and south-west. Such has been the argument. Thence come the complaints. Why not, then, remove those evils, as my motion proposes, without touching the Supreme Court? Why not make the remedy coëxtensive only with the disease? I do not now consider the

delay in the Supreme Court itself, for I shall hereafter show that this bill will not diminish any delay in the Supreme Court. But, as a cure for a mere local disease, why should you begin to tamper with parts of the system not disordered? You will thus jeopard, if not sacrifice, the primary and most momentous duties of that court, for the relief of some sectional inconvenience; you will make the head and heart tributary to one of the extremities; and, for the gratification of two or three millions of people in the inferior duties of our judiciary, you will put in peril, not only the interest of the other seven or eight millions, but the interest of the two or three millions — of the whole Union, in all the paramount, original, and appellant powers of the great judicial tribunal of the country.

Is it possible that the local evils which exist in the valley of the Mississippi can be such as to justify so extraordinary a measure? Where are the petitions and remonstrances on this subject from conventions or legislatures? Here is a bill, whose local operation reaches nine States; but not more than one of that brilliant galaxy has memorialized us for relief. The bar of a single city in Tennessee, and the bar of some part of Ohio, have petitioned us; but, however respectable these sources of complaint, is it all you would expect, if an actual necessity existed for so important a bill?

I shall not now discuss the abstract and metaphysical propriety of a call for our legislation by a sovereign State; but I appeal to our knowledge of human nature, and to human usages, if we should not, probably, see different remonstrances, if the grievances were, in fact, so wide-spread and acute as to require, for their removal, so unusual a bill. But intelligent gentlemen on this floor have stated their impressions as to the character and extent of those grievances. Their statements are entitled to the utmost respect and consideration.

If I understand them, as now and heretofore disclosed, they are all resolvable into a supposed want of equality between those nine States and the rest of the Union in their judiciary.

And, without tracing all the Protean shapes which conjecture and argument have assumed, I will frankly admit, that, if such a want of equality exists there as is so fatal to the administration of justice as to require for its removal this large increase of the Supreme Court, I earnestly pray that my motion may fail. For, without vaporing about my regard for the west, — which those only can doubt to whom I am unknown, — and without claiming any exclusive merit for broad, statesman-like views, I would extend any proper relief as readily to Missouri,—however western or small, and whether born under a good or an evil star,—as to that Pilgrim State, whose arms, literature, and arts and commerce, have crowded her history with such proud trophies since the landing at Plymouth rock.

Proceeding, then, to analyze this general want of equality, it must, if true, be found to consist either in a want of an equal representation on the bench of the Supreme Court, or in the want of an equal

system of inferior courts, or more comprehensively in the want of an equal attention to their unusual quantity of judicial business.

In an examination of their want of an equal representation on the bench of the Supreme Court, I care not whether the increase be asked because it is necessary to give them equality on the ground of comparative population, on the ground of their number of States, on the ground of wealth, on the ground of probable business,—as depending on any of those circumstances,—or on the ground of their diversities of local law, which last the chairman more particularly and eloquently urged as a reason for three new judges from the valley of the Mississippi.

Some of these considerations have been suggested by some persons, and others by other persons; but they all are resolvable into a kind of representation.

For the purpose of ascertaining the relative condition of the west on this point, I cast away every shield and panoply as to the principle, and concede to the advocates of the bill that this representation, based on any of those circumstances, is neither novel nor abominable.

A very easy and just test of their equality, so far as regards population (and almost everything connected with the judiciary depends on population, directly or indirectly), is the representation in Congress. Examine this a single moment. All the States have two hundred and thirteen representatives; and the present number of judges who compose the Supreme Court being seven, the judicial representation is only one judge to every thirty representatives. The nine States included in this bill have one judge, reckoning the recent vacancy in that quarter as filled, and only forty-seven representatives. Hence, on this ground, they are not yet entitled to one more judge; and much less are they entitled to three more, until they have one hundred and twenty representatives. The result is the same, if you consider separately the six new States now destitute of any circuit or supreme judges; for they all have only twelve representatives, and, of course, are not yet, on this ground, entitled to a single judge, while the other three, having only thirty-five representatives, are now, on the same hypothesis, fully represented. The great increase of judges, therefore, contemplated by this bill, so far from being necessary and equal towards the west, on this ground of judicial representation, is grossly partial, unequal, and unjust.

There is no escape from this conclusion, by saying that the new judges may, or should, be selected from other States than those embraced in the bill; for that would be an abandonment of either the principle of representation on every ground, or of the very fact of that want of an equality, which is now under examination. Nor is there any escape by saying that these nine States have increased much in population since the last census; because the other States have likewise increased, and though in a ratio not probably equal, yet more equal than heretofore, and sufficient to prevent my former conclusion

from being shaken. It was admitted, on Friday last, by the gentleman from Kentucky (Mr. ROWAN), that two or three of the oldest of these nine States had now become emigrating States; and all of us know that the tide of emigration into them from the East no longer dashes over the Alleghanies as it once did. The swarms from the northern hive now alight nearer home. Even in cities like New York and Boston, and in many towns somewhat rural, like Dover and Chelmsford, manufactures, no less than an improved agriculture, and commerce, always vigilant, have worked their miracles; and as rapid an increase within the last seven years can be shown as in any vale of the land of promise in the west.

But if the population of those nine States had, since the last census, augmented one-half, and all the other States had remained stationary, it would justify, on this hypothesis of judicial representation, an addition of only one judge; and when these nine States are compared with those north-east of Maryland, it would not justify the addition of even one. Those north-eastern States have now one hundred and seventeen representatives, and only two judges of the Supreme Court. Add to the nine western States twenty-three more representatives for an increased population, and then, with seventy representatives and one judge, they are not entitled to even a single judge more till they have one hundred and seventeen representatives. The present bill, therefore, allowing four judges where a right exists to only one, and leaving only two judges in States where a right exists to four, proceeds on a new kind of equality as regards population,—proceeds on a boasted species of legislation on broad national views which it has been my misfortune not to comprehend.

But it has been suggested by another member of the judiciary committee,—the ingenious gentleman from Maine,—that this great increase of judges in that region is to favor or represent the small States. If judges are to be created in analogy to the representation in the Senate rather than the House of Representatives, then the bill should provide at least one judge for each State; or, if they are to be created to represent State codes of local law, the same necessity exists for a judge from each State. But this bill neither confers an equal favor in this respect on each State, nor on each class of States. If a class of small States are to have judges to aid them merely as small States,—if the bill is an oblation or peace-offering to them,—then why does that gentleman forget the East?—forget our own hearths and altars, and the resting-place of our fathers' ashes?

Are Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, and Delaware, less deserving than the younger members of the family? And, if the small States are to be aided by any measure, are those at the east, who are now destitute of any judge of the Supreme Court, to be entirely overlooked? A most striking fact on this point is, that the present eastern circuit, composed of small States, save Massachusetts, has only one judge to twenty-seven

representatives, when this bill gives to the small States, in the west and south-west, one judge in one circuit to only four representatives, and in another circuit to only five. A less number, in the whole of each of those circuits, than what belongs to the little Spartan State alone, one of whose sentinels,—unworthy, to be sure,—I am, stationed in this citadel. Again: if the judicial representation, in order to justify this increase of judges, is to be grounded, not on States, nor on "men, high-minded men,

> Who know their rights,
> And, knowing, dare maintain,"

then it must be grounded on wealth or territory. But this part of the inquiry has been sufficiently extended, and, if pursued further, may give rise to invidious feelings, which I, on my part, utterly disclaim. I prize no less highly than others the services and the chivalry of the west; and can see, without envy, in the mist of coming time, their high destinies. But, if you look to the arts that sustain or embellish life, to private affluence or public institutions, to single cities, or the numbers, capital, and power of States, the region of country embraced by this bill will, surely, at this period of their unrivalled growth, complain of no existing injustice towards them in judicial representation, as based on wealth. Yet, as respects territory,—if that, independent of its population, wealth, and other circumstances, is to be the basis, I frankly concede that their present number of judges is unequal; though, at the same time, a larger number, on this hypothesis, must not be created to represent or benefit men or wealth, the causes of contracts, torts, and courts; but, in some sections, mere earth and vegetation, without any controversy to be settled, unless that of older time between the trees and the bramble.

I know that the friends of the bill cannot desire this increase of judges on the last ground exclusively; while I do not hesitate to confess, that, in connection with the others, it is not to be lost sight of in the frame and establishment of any judicial system. I have now done, sir, with the consideration of a supposed want of equality, or due balance of power, in the west and south-west, on the bench of the Supreme Court, as founded upon any principle of representation, whether called representation or by some other name, imagined to be less exceptionable in respect to a judiciary; a principle on whose abstract correctness I say nothing, but whose operation I have examined, merely because it has been urged by others, in different shapes and under different titles, as a plausible, and, indeed, unanswerable argument in favor of the proposed increase of the Supreme Court.

Another ground for this increase, and what was styled, by the chairman of the Judicial Committee, "a leading grievance," is a supposed want of equality between the judicial system now in operation in those nine States and that in operation elsewhere. To understand the

extent of this grievance, it will be indispensable to advert a moment to their present system. It consists of a Circuit Court in the three older and more populous States; and in the other new and thinly-settled States, a court by a district judge with circuit powers, and a right in all to revise certain questions of law in the Supreme Court. What is this but the same system which has ever prevailed in similar regions of country, since the organization of our government? Indeed, as a system, this can be complained of only in the six newest States; and in them the only inherent defect of the system is supposed to be the want of a judge of the Supreme Court to attend the circuit, because their District Courts are now held as others throughout the Union, and their appeals, or writs of error, to the Supreme Court, in all cases, are, or might be, made the same in substance as elsewhere, without any change of the system itself.

A moment's attention to our judicial history may correct some hasty impressions on this point. The very first judicial act, of September, A. D. 1789, included within its established circuits neither Maine nor Kentucky. But did any person ever suppose that our fathers thus intended to put their inhabitants to the ban of the empire? to exclude them from the pale of our judiciary? or to strip them of their proportionate privileges?

So far from it, that a district judge with circuit powers was then created for them as a part of our local judicial system best adapted to tracts of country newly and thinly settled; and in similar regions this has constantly been retained as the appropriate system, and, indeed, as the only one that can be applied in such places, without giving to them more judges, and a greater judicial expenditure, than they are entitled to on any of those principles of equality so strongly urged by the friends of this bill as the basis of all our institutions. Let me entreat the Senate to reflect a moment longer on this consideration. Because, if we trace down our judicial history, it will be seen that this part of our system, now the cause of so severe complaint, was afterwards introduced into all other places, beside Maine and Kentucky, where the population and territory were similar, and retained not only during their district and territorial condition, but, in many of them, long after they became sovereign and independent States.

What is still more striking, three of the largest States in the Union, in those portions of them in a physical condition similar to the six new States in this bill, have resorted to this very district system; and have thus, according to the views of some, subjected large portions of their population to ignominy, and placed in unequal jeopardy their property, their liberties, and their lives.

To see how far this "leading grievance," as it has been called, can justify this great increase of judges, I do not shun a more particular scrutiny, because I am seeking truth, and not victory. If it be such a grievance, it is on the ground that the system is unlike the systems which have existed in similar regions, or unlike the systems which

have existed in similar sovereign States, or unlike the systems elsewhere, in its inherent excellence.

But it is not such a grievance on the first ground; because we all know, by the highest written evidence, that the system now in force in these six States has always prevailed in other parts of the Union similar to those six States in population and territory; that it prevailed in Maine over thirty years, in Kentucky eighteen years, in Tennessee more than twelve years; and, without further detail, has, for some years past, prevailed in large sections of New York, Pennsylvania, and Virginia. Nor is it such a grievance on the second ground. For, whether that ground be assumed on the theory of the able chairman of the Judiciary Committee, that a Circuit Court, and judges of the Supreme Court, are due to those six States on account of State pride, — or, as suggested by others, are due as a badge of State sovereignty, State uniformity, or some other indescribable State prerogative, — then will our past history be found at war with this theory. Because this precise system, saying nothing of these six new States, long pervaded other entire independent States, as lofty in their political opinions as the loftiest.

It was the system of the gallant Tennessee, as a State, from A. D. 1796 to A. D. 1807; of the giant Ohio, from her State birth till the same era; and even of Kentucky, with all her chivalry and eagle vigilance, from her admission into the Union, in A. D. 1793, till, after fourteen years, she and her immediate neighbors had attained to that population which might, on equal principles, justify their receipt of more judges and more expenditure, and which might render the circuit system not altogether inappropriate to their increased density of population, — a density of population, however, which, though then perhaps too small for the system, and an extension of it, by altering the numbers of the Supreme Court, not the most eligible remedy, yet holding out no justification to this bill, because those three States then averaged to the square mile nearly a third more population than these six States now do.

When I speak of the present circuit system, with its present details, as undesigned and unfitted for so sparse a population, I can furnish no stronger illustration of the correctness of my ideas than the fact that a judge cannot possibly attend the Supreme Court here long enough to discharge, with promptitude and fidelity, all the business here, and then travel, twice a year, over a circuit embracing a proper number of people, in a country thinly populated, without becoming a mere courier or Cossack. Hence, this very bill exhibits the strange anomaly of an attempt to extend this system on what is called equal principles, and yet giving to a population in the most eastern circuit, large enough to have twenty-seven representatives in Congress, only one circuit and one judge, and giving the tenth circuit and one judge to a population only large enough to have four representatives. What is still more decisive, giving to New York, Connecticut and Vermont,

with forty-five representatives, only one circuit and one judge, and to Indiana, Illinois and Missouri, with only five representatives, one circuit also and one judge! How striking the unfitness of a system which assigns to one judge the business of a population of about two hundred thousand, and to another the business of about two millions!

When admitted into the great family of the Union, it was not considered by the three oldest States in this bill, or by the other six States, that the want of a circuit and a judge of the Supreme Court was derogatory to their independence or humiliating to their dignity; else, then, if ever, would and should the tocsin of remonstrance have been blown long and loud; because then, if ever, on this ground of State pride, did their honor and their rights require complaint; then, if ever, on this ground, was it a grievance and an ignominy.

No, sir. The truth then lay, as it now lies, deep in their physical condition, and in the nature of the circuit system. I would be one of the last to wound their just pride, or to withhold from them, in a measure otherwise safe and judicious, any proportionate right; but it was always justly supposed that the primary duties of the Supreme Court consisted in the discharge of its great appellate jurisdiction here; and that the local duties of the judiciary were subordinate to those, and to be performed by local judges, aided by the Supreme Court only as much as might be practicable, without any neglect or sacrifice of their higher duties here. Hence, the judges of the Supreme Court were not then required to go to the extremes of Maine and Kentucky to discharge local duties; hence, they have not since been sent into other Territories or new States, which might call them away too distant and too long for the proper despatch of the business of paramount consequence in the Supreme Court itself. Hence, we should not now, to remove any local grievance, make a hazardous inroad on the numbers, character and security, of that august tribunal, which is the palladium of all the States, which is consecrated by the constitution, and all the best theories of free government, and in whose supervisory duties all now enjoy an equal share, and for the blushing honors of whose bench all now stand in equal competition.

The only remaining ground of complaint, concerning the system in these six new States, is, that it is not in itself so excellent as the system which prevails in the other States. But if it be as similar and as good as their physical condition, the proportionate rights of all, and the legitimate application of the circuit system, will permit, though not perhaps the best in the abstract, or not the best for other conditions of society, then the bill is on this point likewise unsupported.

That it is thus similar and good, we have already attempted to show. Without a repetition of former remarks, may I be permitted to suggest one or two additional considerations concerning this position?

Let gentlemen advert to the judicial establishments in their respective States, and tell me, where they possess counties new and thinly settled, whether the terms and structure of their courts are not

in these counties somewhat different? — not subjecting their own Supreme Courts to fluctuation and innovation, to make the system identical in every county, but adapting their local system in some degree to the physical condition of the people. I beseech the House, also, not to take for granted that, under such a modified system, there is in the system itself any obstacle to as good and as equal an administration of justice as the structure of human society and the relative rights of each portion will permit. The questions of fact are all settled, by similar juries; and the questions of law, though decided in the first instance by judges inferior in rank or number, are, or may be, carried, by appeal or writ of error, to the same higher tribunal which acts for the whole. There is a difference, I admit; but it is only a difference between the correctness of the district judge, — who is selected, on the favorite theory of gentlemen, from his own district, with all the *lex loci* and *lex non scripta* of his region of country, — and the correctness of the circuit judge; and which difference, in all cases of any magnitude, can be corrected by some additional expense and cost in appeals or writs of error.

I concede that this additional expense and cost, though in a few cases only, is still to be avoided, if it can be avoided on any equal principles, and without danger to the great and general tribunals which dispense justice to the whole. But surely no person can be so unreasonable as to ask its removal in such a manner as to put those tribunals in jeopardy, and to incur disproportionate expense to the whole Union, to remedy inconveniences which all small populations on new and large territories have always been accustomed to endure.

The argument might be urged, with much greater strength, to the removal of every other inconvenience arising from the physical condition of any part of our country, — as the fewness of mechanics, badness of roads, small number of schools, and distance from markets, — because these would only require a disproportionate share of our joint funds, without, perhaps, putting at hazard any of our important institutions, like that of the Supreme Court.

So, as a mere badge of State uniformity or State pride, it might more safely and forcibly be argued that as many light-houses and custom-house officers should be provided for each State, without regard to its commerce; and, as respects the wisdom of the bill, on the ground of mere equality in system, what planter, with two hundred acres of land and ten workmen, would insist upon only using the spade system of husbandry, because in and of itself most excellent, and because that system had been found appropriate where a planter with two hundred acres of land had one hundred workmen?

All legislation is only an approximation to the theories of abstract right and equality. It must be modified by an infinite number of circumstances. Every wise man, in common life, acts invariably according to the diversity of means, interests and condition of himself and

those around him, and any different system of equality in legislation is only the levelling, indiscriminate equality of a church-yard.

But if such an equality is to be pushed, at every sacrifice and danger, in respect to a judicial system, this bill is a perfect *felo-de-se*, on that hypothesis; because, as before shown, it violates such an equality in judicial representation as much as it enforces such an equality in system. Nor is it any answer to this view of the subject, that the executive may select the new judges from the north and east, when, in the same breath, gentlemen argue that they are wanted on account of their knowledge of local law in the west; when by the bill they are compelled to reside in the west; when all their local duties are to be performed there, and when we witness around us such splendid specimens of western and south-western talent, that must be overlooked in order to import into the rich valley of the Mississippi, from some eastern manufactory, a cargo of foreign judges.

Again: if this system is to be extended to the six new States, because most excellent, without regard to the effect of such an extension on the Supreme Court itself, and without regard to population or expense, then why not extend it to every part of the Union now destitute of it? When gentlemen talk of equality and broad American grounds, — when they, with indignation and justice, disdain sectional views and favoritism,— why create new circuits for the people in these new States, and not at the same time create them for more than three times as many people, now destitute of such circuits, in western New York, Pennsylvania and Virginia? Is not this straining at a gnat, and swallowing a camel? For, if the circuit system of itself be superior, and therefore, without regard to other circumstances, is to be extended to the west and south-west, for the safety and advantage of about half a million of people now destitute, then surely a million and a half of people in the three great Atlantic States are equally entitled to its securities and blessings. Are not the lives and liberties of any of the constituents of the chairman as much endangered now, by a trial before one judge, as he feelingly described those of the people of Illinois to be? Is not this as cogent a reason for a change, a speedy and radical change, in Pennsylvania as in Alabama? And though the honorable chairman might recollect that life is constantly tried in England before one judge, whose system has been so much eulogized, and also that it can be so tried, under our present system, in any part of the Union, in the absence of the circuit judge, — and that the jury in such trials, passing on both the law and the facts, are the great safeguard of the citizen, — yet, admitting that a change in this respect is indispensable, it should be made in the old as well as the new States; because, reversing his own language, can it be questioned that life, liberty and property, are as valuable in the old as in the new States? It is no answer to this reasoning, that Circuit Courts now exist in some parts of Pennsylvania or Virginia; for those courts no more secure and benefit the lives, liberties and property, of the other parts, than they benefit the people

of Missouri. So, if other modes of relief can be suggested for all these old States, other modes can also be suggested for all the new States. So, if the old States have not petitioned for relief on this ground, neither have the new ones.

Carry the argument one step further. Why not, on this ground, extend the circuits to the Territories? Are not their inhabitants flesh of our flesh? Are they not Americans? Are not their properties, lives and liberties, as valuable to them — to use again the words of the chairman — as ours are to us? Have they not men as competent for judges of the Supreme Court, when one of them is now spoken of as a prominent candidate? Shall they not enjoy equal protection, and a judicial system of equal excellence? Thus, pursuing an abstract theory to all its legitimate consequences, its fallacy, when applied without any regard to the different conditions, rights and duties, of all, becomes most manifest.

One more ground was mentioned, by the chairman, as a justification for this increase of the judges of the Supreme Court, which, since the debate on Friday last, as to the union of Ohio and Kentucky in one circuit, will probably not be much relied on.

It was that these judges were wanted on account of the peculiar and extraordinary mass of judicial business in the west and south-west. If this mass of business in fact existed, it might be answered that we have, as already shown, devoted an equal and proportionate number of judges and judicial expenditure to its discharge. But, as I am one of the last persons to withhold relief where actual grievances exist, or to begrudge to any quarter of the Confederacy any expense, any number of judges, or any kind of system, safe to the whole Confederacy, and necessary to perform the business properly and permanently devolving on our courts, I will detain the House a moment to ascertain how the truth is as to this supposed mass of business, and to ascertain how necessary and safe for its discharge may be this proposed increase of judges on the bench of the Supreme Court. Here I confide implicitly in the local knowledge of gentlemen from those nine States, as to the character and amount of the business. I will stand on the utmost verge of courtesy, and take the highest estimate of one of the warmest friends of the bill.

That estimate gives to Louisiana and Illinois eighty actions each per year; to Alabama, sixty; to Indiana and Mississippi, forty each; and to Missouri, thirty. These are the six States without the circuit system, and will first be considered. The largest of them, on the highest supposition, brings but eighty actions a year into our courts; and this, at the liberal portion of one-third for trial, which is as many as the chairman himself supposed, last Friday, in the other States, would leave on the most crowded dockets nearly two weeks for each trial. If this be an extraordinary mass of business, it surely is an extraordinary *small* mass for any one court in any section of the Union; and so far from rendering necessary more judges to des-

patch it, would hardly keep the mould and cobwebs from gathering over the present judges. As regards, then, the whole six States, all who have not now a circuit, and the attendance of a judge of the Supreme Court, the increase of judges, on account of the mass of business, is entirely useless. The bill, as respects them, on this account, rests upon sand.

Mark, then, sir, the conclusion as to the other three States. Though they now have a circuit, and the attendance of a judge of the Supreme Court, yet we are to create three more circuits and three more judges, on account of a mass of business, which, if it exist at all, must exist in those three States alone.

Again: we are to create some of these circuits and judges in Alabama or Missouri, for example, when the business itself exists only in Kentucky, Ohio and Tennessee. Or, to show distinctly the character of the bill on this hypothesis, we are, on account of a pressure of business solely in the present seventh circuit, to create three new judges and new circuits, and yet, by this very bill, not assign to the States within that circuit the *whole* labors of *one* additional judge. I appeal to the bill itself, on this point, as conclusive. Ohio and Kentucky now form one circuit, and one additional judge is to do the business, not only of Tennessee, but Alabama. It was settled here, no longer since than last Friday, and by almost an unanimous vote, and on the statements of the very friends of the bill, that no pressure of business existed there which required any more additional labor.

The business, though nominally large, was said to be of such a character that the decision of one cause frequently governed the disposition of fifty more. Much of the accumulation on the dockets had, in some of the States, arisen from transient causes,—such as the illness of a judge, the sudden operation of some statute of limitation, the enactment of some relief system, the difficulties between rival courts, the suits growing out of the United States Bank controversy, and various other causes, which need not be enumerated, and on the merits of which I offer no opinion whatever,—but all of which established, beyond doubt, that the accumulation of business was temporary, and that their dockets would soon diminish to one or two hundred cases each.

The western gentlemen also admitted, with their usual frankness and manliness, that most of this business was that where our courts have concurrent, and not exclusive jurisdiction; where suitors might enter the State courts with it, but prefer the United States courts.

Reasoning *a priori*, every lawyer would have arrived at the same conclusion; because the business of exclusive jurisdiction, such as relates to custom-house bonds, salvage, seizures for breaches of the revenue laws, libels for seamen's wages, &c., must, on account of our commerce, exist in a greater proportion on the eastern than the western side of the Alleghanies. And yet, the courts of the former seldom exhibit a docket of more than one or two hundred actions.

The cases of concurrent jurisdiction, though less numerous in the extreme east than in the west, are still frequent, on account of disputes as to land owned by non-residents, and on account of numerous debts due to the non-resident merchant-kings of the New England metropolis. But almost every action of this kind there enters the State courts. It will doubtless enter the State courts in the west more frequently as their institutions grow older; and it could not be asked, without an ill grace, that we should make great and permanent changes in our judiciary to transact a description of business not wisely confided to it in the first instance,—as most forcibly shown by the chairman of that committee,—not in analogy to the correlative powers of the other departments of our general government, and not connected with those maritime questions, those disputes between States, those controversies under the acts of Congress, those difficulties in respect to the agents of foreign nations, and those supervisory powers over constitutional constructions, which would seem to form the only legitimate employment of a federal judiciary.

When we reflect for a moment, and find, also, that this accumulation of business is confined to only two or three States, is artificial and transient in its character, and that, even now, the plaintiffs, who are always shrewd enough concerning their own interests, select our courts in preference to the State courts, for business which they might prosecute in either, we surely cannot be justified in still greater comity, at a large increase of expense, and in a manner producing a radical and alarming change in the quorum, members, and operations, of the Supreme Court itself. I forbear to dwell longer on those general grounds which have at different times, and by different persons, been adduced for this great increase of judges.

After a consideration of them with that care and impartiality which the importance of the subject demands, will any person avow that they exhibit a grievance which requires for its removal this extraordinary remedy? Whatever may be the disorder, is this the safest specific? A few other circumstances connected with this proposed remedy must not be overlooked. It can conduce but little to the despatch of business in the seventh circuit. That despatch, after all which has or can be said, is probably the desideratum there now the most urgent and momentous. But, whether the business be concurrent and transient, or otherwise,—be it better performed than in the State courts, or not,—be the call for this bill from creditors and great land-owners, or from the debtor and hardy pioneer, who, by its operation, will be dragged into courts more distant and expensive than their own tribunals,—yet all its new circuits and judges are insufficient materially to promote despatch, without a division of some of the western districts. Another bill on your table, reported by the judiciary committee, to establish another district in Kentucky, is, on this point, perfect demonstration. Every lawyer knows that the creation of twenty new circuits can in no degree affect the district docket; and it can only indirectly affect the

circuit docket, because even now the Circuit Court at each term can continue any desirable length of time, as the district judge can hold it after the necessary departure of the circuit judge. Without dividing a district, then, no greater despatch is obtained, except indirectly, unless two judges, present the whole term, can transact more business than one judge. This is neither true in theory nor practice.

If the last bill, creating a new district and new district judge in Kentucky, should alone pass, and that judge be clothed with circuit powers, it seems to me that the great root of every actual grievance from the accumulation of business would be removed. Nor would it seem altogether decorous for either of the States in that circuit to insist that such a remedy was oppressive or mortifying, to taunt such a judge with the title of Land Commissioner, and brand such a system as derogatory to their State pride, when it is the identical system now in force in three of the oldest and largest members of the Union, and is not deemed derogatory to the pride of such States as the Ancient Dominion, as the rich inheritance of Penn, and as what may be, for aught I know, both the Rome and Carthage of our Confederacy.

It appears to me to have been an error of opinion, or in facts, for the chairman of the committee, in the history of our various judicial changes, painted by him in such glowing colors, to suppose that some precedent existed for this great increase of the Supreme Court. The first change in our judiciary, in A. D. 1793, when the attendance of two judges of the Supreme Court twice a year, in each of the then existing circuits, was found too laborious, lessened their circuit duties, rather than increased the number of judges. Nor was the remedy adopted in A. D. 1801 like the present bill. That, he himself disclaims, with abhorrence. Nor, in the great judicial revolution of A. D. 1802, was the number of judges increased; and, though in A. D. 1807 one was added to the bench, and, as I think, incautiously, yet the addition did not, like this, either alter the quorum of the court, or double its original numbers; and thus did not, in and of itself, jeopard all its important decisions, and lay the axe at the root of all its boasted independence. I wish to be distinctly understood on this point. In A. D. 1807, the old quorum was four. If three judges agreed in a decision, it was final; because, if one of the four dissented, and both his absent brethren agreed with him in opinion, they were not a majority, so as to be able to reverse the decision in any like case. This reversal could happen in only one event, after the addition of one judge in A. D. 1807. But now, if four of the new quorum agree in a decision, it has a double, yea, more than quadruple chance of reversal; because, if any two who agreed in the first decision be absent, and their places be supplied by any two of those absent, the decision can be overruled. This great addition, also, of a number equal to a majority of the old quorum, is an addition of just enough to reverse any past decision, if in ordinary contingencies only a quorum attended, and the appointing and legislative power now wished to reverse the principle of any such

decision. But such could not be the effect or tendency of the addition in A. D. 1807. Where, then, is the precedent? And how dangerous, and, indeed, fatal, may be the operation of the present increase, —of the present contagious example! But something more of this hereafter.

The chairman of the committee undertook to vindicate this great increase on another ground, which is by no means to be overlooked,— a ground connected with the general duties of the Supreme Court itself,—by insisting that it would tend to remove the great delay which now attends their administration of justice in the apartment below us. This would be an object worthy of some great and general change, if it could not otherwise be accomplished. *Dignus vindice nodus.* Because it would mitigate or remove an evil not sectional, but national, —an evil affecting the whole twenty-four States, as well as these nine; —affecting the Supreme Court, not in some of its local duties, but in the exercise of its high original and appellate powers,—powers more peculiarly devolved on it by the constitution than any circuit ones, and powers of infinitely more consequence to this whole Confederacy than those ever before devolved upon any judicial tribunal in the annals of history. If the judges are not allowed leisure for these duties, the head and heart of the system are palsied, and objects only secondary are made paramount to primary ones.

But, notwithstanding the chairman calls the delay here "a great and growing evil," and deserving speedy removal, and justifies this bill, as tending to effect that object, yet a little consideration must convince every person that his expectations are delusive. He observed that the new circuits will enable the judges to attend here earlier, and thus a longer session can be held. But the new circuits manifestly cannot affect, in this respect, only a single judge of the present court; and his attendance here earlier could just as easily be caused by altering the session in his circuit, and without this great addition to the Supreme Court, as with this addition. Again: the earlier session of a month is not provided for in this bill, but in another; and the passage of that bill alone will produce all the effect which this earlier session of a month can produce. Indeed, it will produce more effect on the delay, without the present bill, than with it; because the chairman, in another part of his remarks, has properly argued that the circuit system in the six new States will, doubtless, occasion many more appeals to the Supreme Court than are now taken, on account of the division in opinion between the judges. Thus, of course, must it increase the docket of the Supreme Court.

Under these circumstances, a little calculation upon admitted facts must show the total inefficacy of a session only a month longer in the year to discharge all the business which will occupy the docket of the Supreme Court under the present bill. The number of actions on that docket has lately ranged from one hundred and eighty to one hundred and ninety. Only from forty to sixty are annually disposed of. This,

in the present sessions of about six weeks, makes the inevitable delay about three years.

If the business of that court was stationary, an addition of four weeks to the term would not remove the delay under four or five years. But if, increasing in the natural increase of population, wealth and territory, or if increased by only three causes per year, from each of the six new States, by means of the change of system as before mentioned, more than the whole four weeks will be consumed in the additional business; and what is called by the chairman, even now, a great and growing evil, and by the celebrated memorial of the Nashville bar, even now, "a great delay," will become, by this increase of circuits and judges, a still greater delay, a still greater evil. "A great delay," sir, not in the business of a single circuit, like the seventh, but in the business of the whole federation; — "a great delay," a violation of magna charta, not in litigations of subordinate interest, but in controversies large enough to come up hither from the extremes of the Union, and momentous to individual rights, or controlling in their defined orbits States otherwise sovereign; — "a great delay," peradventure, at times, to deform the moral sublimity of one of the grandest scenes in a government of laws and not of men, by producing the entire ruin of some humble suitor,

> "Some village Hampden, who, with dauntless breast,
> The little tyrant of his fields withstood,"

or who, in a just reliance on his contract or his vested rights, has dared to hold at bay not merely private oppression, or the mightiest member of our Confederacy, but the Confederacy itself.

Again, sir: this increase of judges will, on another principle, tend to inflame, rather than lessen, this "growing evil." Because, on the true theory of a single judicial body, during a single session, it will not be pretended that five of the judges can examine one cause while the other five examine another; or that ten can hear more causes, read more cases, or be oftener convinced, within a term, than seven can. On the contrary, all theory and experience so conclusively show that a larger body of this kind will act slower, I shall not stop to fatigue the Senate with further illustrations upon this point.

Another objection to this increase of judges is its tendency to lessen the ability of their decisions.

On this subject I am not disposed to be captious, and to disagree from the chairman in his position, that a greater number of judges might introduce upon the bench a more thorough knowledge of a greater number of our codes of State law. But I do deny that any remedy comports with this ground of increase, unless one judge is selected from each State in the Union, so that the peculiarities of each may be thus understood; or, unless the peculiarities of local law in the east and north are as fully represented and understood on the bench as those of the west and south-west.

But as to the knowledge of general jurisprudence, which is alone brought to the decision of three-fourths of the causes, and is a *sine qua non* in the examination and decision of all, it surely is not likely to be increased on any bench, after a selection of four or five persons most distinguished for legal attainments. Such is the structure of different minds, such their habits, associates, and exertions, that in any given circle, whether embracing a County, State, or Confederacy of States, the very highest in intellectual power in any profession are few in number, and a marked discrimination, after selecting a very few, can be drawn by all.

After such a selection for any bench, every additional member is an injury, rather than an aid, to the mass of professional science, because a portion of the time of those more highly gifted must be diverted to the instruction and conviction of those who are inferior.

While I am willing to admit, that, on this reasoning, no precise number for a court can be fixed, as unerringly the best, under all circumstances, yet it will, on reference to our own recollection of different judicial bodies, satisfy us that an increase of them beyond three or four is not likely, in most cases, to increase the intellectual strength of the whole body.

But the increase operates in a still different manner on the members of a court, so as, I trust, to convince all of its injurious tendency upon the general ability of each of the members; and is, therefore, not to be made beyond the most usual, approved, and safe number for a judicial body, unless some separate extraordinary advantage is to be obtained by it, sufficient to counterbalance all the incidental and obvious evils from such an increase.

The operation of which I now speak is upon the industry, fidelity, and, if I may be pardoned a more comprehensive word, the responsibility, of each judge. A single judge, undoubtedly, like a single executive, insures the highest exertions on his part, and gives to the public over him the strongest control. But if the number be increased to only two, so as to remedy a failure of justice, in his absence, from illness or accident, they may disagree, and thus cause a still further failure; and hence three is often preferred, or even four, on account of its requiring a greater proportion of the whole to form a quorum, and on account of its insuring a decision when only a quorum is present and one disagrees, which cannot happen with a quorum of three. To attain objects so important, and not on account of any quaintness as to any particular number, responsibility has been in some degree diminished by increasing the court beyond one member, but still taking care not to go beyond those objects, and to make four judges the extreme number in the courts of common law, in that country whence we derive most of our institutions. When you exceed four, you must require express legislation as to the quorum, or the unanimity of more than a majority in any decision; else a door is opened to contradictory decisions in the same court, without any change in the

members of it, or in the opinions of any member. Thus, in five, the quorum being three, two of them may decide one way to-day, and to-morrow the two absentees, attending and uniting with the dissentient, may decide directly the other way; and every addition to the numbers of the court, as ably shown by the gentleman from Virginia (Mr. TAZEWELL), increases, in a most alarming progression, this danger, and also diminishes the general responsibility of each judge. If you cannot by legislation require as a quorum more than a majority of any court, as contended by the gentleman from Massachusetts (Mr. MILLS), or if you refuse to do it, as on Friday last, either circumstance furnishes a most conclusive argument against any further increase of the judges.

Gentlemen have talked of the Court of Exchequer Chamber as a precedent for as large a number as ten, without incurring danger. But almost all the duties of that court are consultory and advisory on questions adjourned from other courts, and on which the judgments are entered by those other courts. Moreover, the judges of that court are not commissioned as ten judges of that court *esprit du corps*, but still continue as judges of distinct courts of only four in number, and acting in the Exchequer Chamber together but seldom, and with no leaning or dependence on each other as a whole body, so as to weaken their responsibility as members of their separate courts.

Concerning the House of Lords, also, so often cited as a precedent for a large number without danger, the analogy entirely fails, because that House acts by legislative rules in the making and the reversal of its decisions, — is a body legislative in the tenure of its office, legislative in its accountability, and altogether aristocratical in its whole organization. Are we to be urged to create a similar body in this republic? and to believe, as Lord Anglesey once argued, that because "the Lords were *judices nati*," and not "under salary," they were "therefore in reason the *freer* judges"? "At this inimitable piece of lordly reasoning, it is said the Commons were weak enough to be vexed beyond measure." So of the New York Court of Errors, referred to by the chairman so emphatically as a precedent. That court also acts by legislative rules, and thus is not exposed to the difficulties, as to a quorum and fluctuating decisions, which are incident to a large body solely judicial. The tenure of its office is also legislative, so as to give a different hold over their responsibility; and at the same time their salaries are small, and subject to reduction.

I shall dwell but a moment on the analysis of the injurious effect upon each member of a large increase of the number of any collective body. One of the committee (Mr. HOLMES) has partially admitted this effect. Any single labor, to be performed jointly by ten (and so must be performed judicial duties in the Supreme Court), naturally appears to impose less upon each than if it was to be performed by seven. Each one, also, in his conduct, stands out in less bold relief to the public eye. Each is, from the well-known frailty of man, inclined

to think he may nod with greater safety while so many others watch. Do we not daily witness this, in some degree, in every large legislative body? Subjects from particular quarters of country — subjects connected with particular professions and tastes — intrusted almost exclusively to particular members? This is human nature; and we can as easily escape from ourselves as escape from its influence, though under much greater checks and responsibilities as legislators than as judges.

Again: admitting that in theory each person, in a large as well as smaller body, is equally subjected by law to censure or punishment, yet it is settled, even to a proverb, that a large body, either from a consciousness of its increased power, or from a parasite propensity to lean on others, or from any other causes, which I cannot now stop to suggest, will at times adopt measures at which a smaller body of their own number would blush.

But the tendency of this great increase in the number of judges of the Supreme Court ought to excite peculiar caution and alarm, under our present constitution. Because, under that, beside the smallness of number properly and customarily belonging to a judicial body, we have retained no check whatever upon judicial officers, except in impeachment: this, in our virtuous state of society, is, as the gentleman from Kentucky (Mr. JOHNSON) cited from Mr. Jefferson, a mere scare-crow; and in respect to judicial science, industry, and talent, never was intended to operate at all, and always must prove entirely visionary.

Other governments have generally provided other stimulants and securities for these qualities. Securities against an undue devotion to the power which creates, feeds, and alone can advance higher, the judges; securities against incapacity, ignorance, and dotage, in judges. In six of our State constitutions, they are provided by making the judges eligible for only a term of years; in ten of them, they are provided by making them liable to removal by address, as is done in England; and in almost all of them are they provided by making their salaries subject to reduction, as is also the case in England.

These remarks are not made because I admire less than others lofty sentiments of judicial independence. I do not say, with two or three other gentlemen on Friday last, that I am willing to alter the tenure of judicial office. But I do say, that, with the views of those gentlemen, it is difficult to comprehend how they can consent, by increasing the judges, to make still weaker our present checks, and to diminish a responsibility which they now consider too small.

No, sir; I make these remarks because, in securing judicial independence by a tenure of office virtually for life, by salaries large and undiminishable, and by exemption from removal on address, we have palpably gone beyond all ancient precedent or any modern example among transatlantic nations; and in such a new, if not hazardous experiment, I will not consent to go still further, and transcend any

precedent, in any age or nation, by making a body, exclusively judicial, as large as ten, with no other checks or responsibility than are now devolved upon our Supreme Court. Gentlemen seem to forget the checks, securities, and responsibilities, of the large bodies to which they refer; and I now propose to them, frankly, that if they will cite to me a single body, solely judicial, and under no other checks and responsibilities than our Supreme Court, — whether in republics, monarchies, or despotisms, — that I will, at once, withdraw my motion. No, sir: we are launching our bark upon an unknown sea; we are making an experiment, and, I fear, a rash one, in our highest judicial tribunal, merely to remove a local grievance; we seem — I hope I may be pardoned the expression — almost sporting with the momentous subject of judicial responsibility.

We knowingly and coolly proceed to lessen it, while avowing that it is already too small. I had always supposed, sir, that one essential feature in a republic was extreme caution, lest those who receive power should forget right. That its governing principle was checks, constant checks, and eternal vigilance. And, although I am ready to admit, that, with no constitutional or external restraint or stimulant whatever, some men may be so happily formed, and so singularly endowed, as to continue, while in office, to improve all their original excellences; yet, in the sagacious language of a recently deceased emperor, they can only be called "a happy accident." The argument, if pushed to its legitimate extent, would justify us in abolishing all checks, and in throwing everything, with unlimited confidence, and in the true spirit of despotism, into the iron hands of power.

Place a judge in such a condition, and though, in the range of possibility or chance, he may continue to exercise equal diligence and fidelity, yet all experience and reasoning render it probable that his attention will be less general, and his energies less highly excited; that, in truth, he will be likely to degenerate, and, by being placed in a body legislative in number, but without legislative checks and excitements, he will naturally become, not, to be sure, in our state of society, so livid a curse as Jeffries, but a political partisan of the power which made and maintains him; a parasite for secretaryships and foreign embassies; or, if of a less busy temper, an idle dotard, or a servile *ipse dixit* to some ambitious associate. What is here anticipation, is now history of a similar officer of a similar temperament. "He minds his ease, and lets things go how they will; if he can have his eight thousand dollars per annum, and a game at l'ombre, he is well."

Again: such an increase will not only tend to change the character of the individuals, but of the whole body. It will become a body of a legislative rather than judicial character, like the House of Lords and New York Court of Errors, without any redeeming legislative check and security, such as exist in those tribunals.

By the increased numerical force and more widely diffused personal influence of such a court, their decisions will acquire weight,

not so much in proportion to their interest, learning, accuracy, and strength (and which we have shown will probably be diminished), as in proportion to the great number, rank, and individual popularity, of the members. Thus shall we impart to a court, which some of the committee have already pronounced too powerful, an additional and at the same time most dangerous power, in a tribunal so little amenable to the scrutiny of public opinion, and of the coördinate departments of government. Reflect a minute on the probable consequences of such a measure. It will tend to mar one of the greatest beauties in judicial decision — their reliance upon mind, and mind alone, for success. Next, it will tend to sap the very foundation of all just confidence in lofty judicial integrity, by opening a door to that lamentable state, when judgments of a grand judiciary of the Union may be considered as mere sectional questions, settled on eastern or western votes, according to the majority on the bench from either quarter; questions settled only for a season, as party victories or political expedients; and questions settled with such diminished science, research, and vigor, in the judgments themselves, as in some instances to be obeyed only because their authors exercise command over the prison and the gallows.

Especially, in a government of laws, is it to be discountenanced that any municipal body should be made so large as to confer on their doings a popularity derived from numbers and personal rank, without imposing on that body rigid and efficient responsibility; and least of all should be made so large any judicial body, and particularly one like the Supreme Court, where causes so delicate and momentous yearly come to judgment, — where the parties in interest, sometimes empires within themselves, cannot and should not be satisfied with anything short of the fullest scrutiny, the widest range of study, the sternest impartiality, the most elevated talents, all converged upon the questions in controversy, and then judgments pronounced, which, by their inherent excellence alone, may be destined to live, like much of the civil and common law, long after their authors have mouldered from memory. Thus, to be sure, they may operate more slowly and with less éclat; but, in the end, if they deserve it, *triumphantly*, like the silent labors of many master-minds in correcting the abuses of government, and in freeing from restraints and monopolies the commerce of the world. Thus, alone, too, may some of their adjudications chance to become parts of the living and speaking law of every free people, and to accord well with that still wider and higher law, of which Hooker says, "all things in heaven and earth do her homage; the very least as feeling her care, and the very greatest not exempt from her power."

Another mischief, in this great increase of the judges, is, that, should experience require a return to the former, or a less number, under the adoption of some different system, you never can, by mere legislation, remove judges of the Supreme Court from office. I speak

now of the most prevalent doctrine on this point. But you have no power to remove them by address; their office is not for a term of years; they are not incapacitated at any advanced age; and nothing, therefore, will be able to displace them, but the grim tyrant who dethrones all. The gentleman on the committee from Maine does, consequently, with great propriety, admit that this increase is an experiment. How long should we pause upon the danger and magnitude of a similar experiment in the executive department, which, in its structure and nature, is most kindred to the judiciary? A proposition to double the number of the executive would not only require an entire change in the constitution, but what patient reflection and long deliberation! But now, in the judicial department, designed for the greatest stability, a similar change is to be completed in the hurry of a single session; and with no useful effect from it, even in anticipation, but the removal of a grievance in the local administration of justice in a single section of country. This removal can be effected by other remedies, which have the sanction of experience, and are entirely free from danger; and yet, can gentlemen still insist upon this experiment, so contrary to all experience, and so beset with the most imminent dangers?

The immediate consequence of adding to the Supreme Court, at once, a number equal to one-half its original number, and equal to the whole now necessary to pronounce any decision, and all this addition to be made from one section of the country, it is not for me, at this time, to prophesy. But nobody can be so purblind as not to see the fatal example thus set to future Congresses, and to the different States in our Union. Do gentlemen believe that, hereafter, equally plausible apologies cannot be found for a further increase? They exist, even now, in the east and north, for a still larger increase. Because, pass this bill, and they are entitled to seven more judges, on some of the equal principles advanced in support of this. Moreover, these apologies will multiply in numberless grounds in every section, if we now pass this bill, and hereafter push into practice the boasted expansiveness of the principle it enforces. Mark the progress of it. At the end of the first eighteen years of our government, to remove a local grievance, we add a single judge to the bench of the Supreme Court; at the end of the next eighteen years, we are called on to add three more; and, pursuing this course and ratio, at the end of the next eighteen years, our Supreme Court will consist of nineteen judges; and, in only thirty-four years beyond that time, of one hundred and twenty-seven judges.

Whether we shall then have reached a point to be stopped by the fear of patronage or expense in so splendid a system, or whether we then shall have reached a point of practical inconvenience, will depend altogether upon the fashionable opinions of the age, on new judicial theories, on plausible apologies, on analogies and exigencies. It may then be justly said, as now, that the court is not so large as the

English House of Lords. Pardon me, sir; we shall never, in such a career, reach a point of fear or practical inconvenience, in the opinions of any quarter of our Confederacy which may hereafter wish to engraft some species of new fruit upon the old stock. Certainly not, with power and influence in any profligate hands, that might seek hereafter to raze to its foundation any principle consecrated by their records.

I am not to be misunderstood: I speak solely of the tendency of this principle, and of the use which may be made of it, under the sanction of our precedent, when, at some ill-starred crisis, the *winds blow and the waves beat;* and not of the objects or motives which now, in a political calm, may actuate any friend of the present bill.

I regret that the nature of the subject has forced me to make any sectional allusions or examinations, with a view to ascertain the extent and character of the sectional grievances the bill proposes to remedy. It has been painful. But I am not accustomed to shrink from what appears to me a duty; and feel conscious that no honorable mind — no person who knows my real feelings and opinions towards the regions to be affected by the local operation of this bill — will suspect or impute to me, towards them, anything short of the highest respect and the kindest wishes.

If the passage of the other bill on your table, creating another district in the seventh circuit, will not remove all their local grievances, I am anxious that two new districts may be formed, with circuit powers; and then the Supreme Court would remain untouched and unendangered.

If this will not satisfy the just wishes and claims of the six new States, I am willing to go further, and adopt any reasonable plan placing the whole Union, in all respects, as to judicial system, on the most perfect equality; taking care, however, not to include in their plan any addition to the Supreme Court.

But I have not embarrassed this motion with the details of any such system, lest the force and bearing of the general principle and operation of this projected increase of judges of the Supreme Court might be lost sight of in details alone. Yet, that the Senate may not be in doubt as to my particular views concerning such a system, I will merely suggest that, with only our present number of judges in the Supreme Court, and the whole Union divided into seven circuits, with new districts whenever necessary, a most perfect equality would be caused, as to the system in the whole Union, in the three old Atlantic States, as well as in the six new States; and this enlargement of the circuits would be in analogy to former changes, including Vermont, Rhode Island, North Carolina, and Maine.

If to the district judges in each district were given circuit powers, all the business could be transacted with despatch, and with the addition of neither a host of circuit judges nor judges of the Supreme Court.

Once a year only the judge of the Supreme Court might attend in each circuit, to sharpen their faculties and increase their knowledge of local law, by aiding the district judge at nisi prius, and, at the same time, if thought best, to act as an intermediate tribunal, on law questions, between the district judge and the Supreme Court. The district judges are now competent to these duties, or should be made so; the law even now devolving these duties on them, in the absence of the judge of the Supreme Court.

But a most important advantage in such a system would be what is suggested by the Nashville memorial, and what most imperiously demands consideration in any system, that it leaves to the judges of the Supreme Court ample time for a grave and thorough and prompt discharge of all their cardinal duties, as the great balance-wheel of the whole Confederacy.

"Were the Circuit Courts held in each State or District but once a year, this would enable the judges of the Supreme Court to hold their sessions for a much longer period of time, to complete the business before them. *The inconvenience of having but one circuit a year would be much less than that arising from the great delay which now exists in the disposition of causes in the Supreme Court.*" — *Nashville Memorial — Congressional Register*, Ap. 75.

But this project is merely a hint *en passant*. I am not tenacious of any detail in any change which shall be necessary and well adapted to remove all the existing grievances, if it shall not, at the same time, make any dangerous inroad upon the Supreme Court itself, or create a host of unnecessary judges at a time when, I sincerely believe, we have ample judicial material, if duly distributed, for all the legitimate business of our Federal Courts, without any increase whatever of judges, except, perhaps, one or two new district ones in the Seventh Court.

Under these views, I had intended to offer some further remarks against this great increase of judges, on the general ground of its useless multiplication of offices, its useless increase of executive patronage, and its useless addition to our present vast expenditures. Not losing sight, in these remarks, however, of the important consideration, that we are now ten millions of people instead of three, twenty-four States instead of thirteen, with a territory doubled, and a revenue trebled.

But I cannot permit myself, at this time, to weary longer the patience of the Senate. I have invoked their attention to what I deem the fatal tendency of the present measure, in the manner my sense of duty has enjoined; and if my warnings, like those of Cassandra, should be disregarded, I shall only add, that, for the welfare of my country, they will not, I hope, like hers, prove true.

MISSION TO PANAMA.*

I OWE some apology for the violation of an injunction of silence, which circumstances had imposed upon me, in respect to the merits of the proposed mission to Panama. I had, from the first perusal of the documents, entertained but one opinion concerning its probable danger and impolicy. The able report of the Committee on Foreign Affairs, against its expediency, remained unanswered. An early decision of the question seemed a favorite object with almost every member; and, therefore, I had supposed that little benefit would result from debate, until some gentleman, of a different opinion about the mission, should attempt to shake the premises or conclusions of that report. Nobody had made this attempt, till the worthy member from Rhode Island, yesterday, entered the field of argument. Such a version of the documents was then given, and some such principles of action avowed, as tended to alarm my mind about the accuracy of its previous convictions. Last evening, therefore, I devoted a few hours to the re-perusal of the President's confidential communications, under a fixed determination to renounce, as far as possible, every prepossession, and follow, in my vote, whithersoever their facts and principles should direct. For, I must confess that I never could acquiesce in the doctrine avowed by the ingenious gentleman before mentioned, that he was not obliged to vote for the resolution on your table, although unable to designate any error in the statements or reasonings of the report on which the resolution rests. Will he inform us why we are endowed with reason, unless it is to be our guide in action? I must know him too well to believe, for a moment, he could intend to countenance the slavish position, that we, of course, should vote against any resolution not conformable to executive recommendation. But his mistake, probably, consisted in this: conclusions which affirm facts contrary to all our experience, — as that no external matter exists, though we are hourly striking our feet and hands against external substances, — may well be doubted, however ingenious the reasoning, because, the facts themselves being contradicted by indubitable testimony, there must be some error in the data or inferences leading to such conclusions. But the resolution, that it is not now expedient to send ministers to Panama, is not pretended to affirm any fact thus contradicted. So, conclusions which prostrate all distinctions between virtue and vice may well justify us in doubting some of the statements or reasoning which produce them, because they embody what is palpably contrary to the moral law written on the hearts of all. But no one pretends that the

* Substance of a speech delivered in the Senate of the United States, March 1st, 1826, on the following resolution, reported by the Committee on Foreign Affairs.

"*Resolved*, That it is not expedient, at this time, for the United States to send any ministers to the Congress of American Nations, assembled at Panama."

resolution now under consideration possesses such a character; and, consequently, like most propositions in legislation and politics, it must be assented to, unless some one can discover and describe a fallacy in the grounds upon which it has been vindicated.

The gentleman from Rhode Island seemed to possess a presentiment that no real discovery of that kind could be made, else no apology would exist for his resort to a doctrine so novel in a deliberative assembly, so abhorrent to every feeling of rational and independent beings. But I concede that he afterwards undertook to maintain that this Congress at Panama was merely for the purpose of negotiating treaties; that it was to be a transient, unorganized assembly; that it would be destitute of any sovereign powers, and that its objects were altogether peaceful. If this had been successfully maintained, many of the positions in the report would still remain unanswered. But others would, surely, be shaken; and hence it becomes important to ascertain, as accurately as may be, the real character of the Panama Congress. It is manifest that this must be done without any regard to its name as a "Congress," or to the title of its members as "plenipotentiaries," on both of which so great stress has been laid. For the word "Congress" is so equivocal as to be applicable either to a body, in point of power, like our old "Congress" of A. D. 1775, or like our present "Congress," now in session, or like the "Congress" of Verona. And the word "plenipotentiaries" — meaning only persons with full power to do what is *assigned to them* — is elastic enough to include delegates for any objects whatever. Indeed, our own cabinet seem to have considered it as mere India-rubber, or else to have entertained no definite notions whatever on the subject; since, in the documents before us, they have called the persons to be sent to this Congress by no less than six distinct titles. In one place, "envoys extraordinary;" in another, "ministers plenipotentiary;" another, "diplomatic agents;" another, "commissioners;" another, "deputies," and in another, "representatives." — (See President's nomination, December 26, 1825; Clay to Obregon, November 30, 1825, page 8 and 9, documents; Clay's Report, December 20, 1825, page 4.*)

But the origin, object, actual power, and essential character, of the assembly at Panama, — called by whatever name, or its members by whatever title, — appear, in some degree, in the documents before us; and, far as may be, I admit, must be settled by the treaties which created it, by the correspondence of the States interested, and by the official declarations of our own cabinet. And when my friend from South Carolina adverted to pamphlets, manifestoes, and reviews, upon this point, it was only to exhibit more in detail what is essentially disclosed in the confidential communications now before us.

* The documents referred to, and the pages, are those as printed originally and confidentially by the Senate.

In a consideration of this question, I have not been surprised to find that different gentlemen should fall into the ancient mistake of the two dervises, about the true color of a column, painted and seen differently on different sides of the column. Because, an inquiry into the papers will show that probably this Congress will possess some powers only temporary and some perpetual, some peaceful and some belligerent, some limited and some sovereign; and, viewed in this double capacity, amphibious, hermaphrodite, and not designed for either of the above purposes exclusively, many discrepancies of opinion may be reconciled, and the nature and consequences of the mission will be better understood.

Thus, the permanency and the present belligerent character of the Congress at Panama can hardly admit of a doubt, when we advert to the treaties before us. By them, it was not to be a sudden and transient assembly, because it was provided for as early as July 6th, 1822, by a treaty between Colombia and Peru, and without the slightest intimation that it was ever to be dissolved. (See that treaty, in document, page 27.) Again: to rebut any such inference, it is to be assembled under what is there called "a compact of *perpetual* union, league, and confederation (Article 2d); and of this 'perpetual union' the Congress of Panama is to be the great focus and organ. Its main objects not only demonstrate this, but characterize its duration to be 'perpetual,' both in peace and in war;" because it is to be "a council in the great conflicts, as a rallying-point in the common dangers, as a faithful interpreter of their public treaties, when difficulties occur, and as an umpire and conciliator in their disputes and differences." (3d Article.)

How can gentlemen, then, talk of this as a mere collection, or Congress of Plenipotentiaries, to negotiate a treaty of peace, of partition, or commerce, like the Congress of Utrecht or Verona, and then to dissolve forever? No. Their duties are to interpret, rather than make treaties; to adjudge upon their internal disputes, and not to form new codifications on national law; to be "a council" and "rallying-point" in their present common "dangers," and common war for "independence," and not a meeting of mere diplomatic agents to adjust imposts on tonnage, or disputed questions of the "extent of blockades."

Such duties give to the assembly, formed under such a "perpetual" league, as lasting a character as belongs to any judicial or political tribunal on earth; because such duties cannot cease to find it employment till the passions and opinions of mankind cease to differ, under some new millennium, or till, by some new compact, the league and its representative assembly are expressly altered or dissolved. Of a similar character, in many respects, have been the origin, progress, and power, of other associations, — such as our Confederation of A. D. 1774, the union of the Swiss Cantons, the Hanseatic League, and the Amphictyonic Council of Greece.

The progress of this "perpetual confederation," and of the Congress under it, since July 1822, confirms these conclusions concerning the duration of the latter; because, October 21, A. D. 1822, it was extended, by a similar treaty, to Chili (doc. p. 28); March 15, A. D. 1825, to Guatemala, and September 20, A. D. 1825, to Mexico (doc. pp. 28, 35, 39). In each of them is the confederation expressed to be "perpetual," and in each of them is the Congress provided for under similar language as to its powers and duties. In some, it is expressed that the confederation and Congress are to be enlarged till they embrace "all the States of America formerly Spanish;" and, in others, they seem intended to embrace all the "American States." The former limitation as to the States to be included was probably the original and true one, on account of the common origin, common language, common sufferings, and common war for the same objects, of the ci-devant Spanish provinces. Hence, we, as Anglo-American, and of a different origin, language, and condition, were never invited or consulted till last spring, more than four years after the project was started (Canas' letter, November 14, 1825, page 10), and about three years after the first treaty for the organization of the Congress was signed. Even then, the invitation came not till about the time of the sailing of a French fleet, feared to be destined to the occupation of Cuba (Clay to Brown, October 25, 1825, page 58; and Clay to Poinsett, Nov. 9, 1825); and even then was it doubted "whether it would, or would not, be agreeable to the United States to receive such an invitation" (Mr. Clay, Dec. 20, 1825, page 3); and, even to the present day, the invitation has not been extended to us by all the parties to the league.

Still the Senate are vilified for not joining to despatch, post haste, our plenipotentiaries to form a part of this "perpetual" Congress, — a Congress, also, of such novel, and, we shall soon see, of such dangerous powers; and where, among other States, solely Spanish, we come into the fold, if at all, not by the door, or till after the eleventh hour, or by request of all the parties concerned. Under circumstances, also, when most of the delay has been to obtain information, not yet full as is desirable, an official attempt seems to be made to lash us into greater speed; and the dangers, the faction, and impropriety of the delay, are reiterated in every form and region, when, since these very nominations were laid on our table, and as late as January, 1826, the President of Mexico has publicly and officially announced to the world, that, though a Spanish State, and a solemn party to this perpetual league and Congress by treaty, their plenipotentiaries had not yet started, but might be expected to be "at sea, on *their way, in the course of the present month.*"

But, to return to the character of the Congress at Panama: it will appear from these documents, not only that most of its duties, and consequently its duration, are permanent or "perpetual," but many of its objects are clearly belligerent. This position leads to consequences

entirely independent of its character in other particulars; because, whether its members be mere common envoys or not,—whether its continuance be long or short,—still, if its leading objects are belligerent, and must impart an inseparable belligerent character to the assembly, no neutral nation, however well disposed, is able to form a component part of that assembly, without endangering its neutral condition.

I have been utterly astonished, that any gentleman could read these documents, and still contend that this was not a belligerent Congress. What! a Congress originating with those engaged in war,—confined for years, in its incipient stages, to those only who are engaged in war,—to be convened within the territories of those engaged in war,—and having for its main objects, as again and again repeated, the triumphant prosecution of that very war,—and yet a Congress in no degree belligerent, and perfectly safe for neutrals to unite in? To remove all question on this point, I will furnish gentlemen with evidence, till the most sceptical ought, I think, to be satisfied. Thus, in the treaty with Chili (Art. 394, p. 23), it is stipulated, that this Congress of Panama shall fix their respective contingents or quotas of "sea and land forces" during the present war with Spain, and shall form "a rallying-point in common danger." By the treaty with Peru (Preamble and third Article, page 38), the cardinal object is said to be to "maintain in common the cause of their independence;" and this Congress is agreed to be, as before, "a rallying-point in their common dangers." The treaty with Mexico is similar, they being "confederate forever in peace and war," and this Congress their "point of union in common danger." By the treaty with Guatemala, their design is avowed to be "to identify their principles and interests in peace and war" (Preamble, page 30); "to repel any attack or invasion from the enemies of either" (2d Art.); and further, "that the objects contemplated by the preceding articles may be carried into effect, the Republic of Colombia engages to aid the United Provinces of Central America with that amount of its disposable naval and land forces which shall be determined by the Congress of Plenipotentiaries to be mentioned hereafter," &c. (Art. 3 and 4), and which is afterwards mentioned as the Congress "at the Isthmus of Panama" (Art. 19th). I would respectfully inquire, if gentlemen can point me to a parallel, in the records of history, of a neutral joining with "confederate belligerents," in a Congress like this? As this point has been principally combated, I may be indulged in a little further examination of the opinion which the parties themselves—who best understand their own affairs—have expressed in other documents, concerning the paramount belligerent object and character of this Congress.

The government of Colombia was the prime mover in this "perpetual league," and in its "common council" in the great conflict; and since our present session commenced, her vice-president has officially announced that "in Panama the plenipotentiaries of the new States of America are assembling to ratify, in the most solemn manner, our

common determination to *maintain and defend* our national liberty and independence against the attempts of *its enemies.*" Is it, then, a mere occasional Congress of ambassadors, with no belligerent views? When our old Congress convened for similar purposes, would any European neutral, if invited, have deemed it safe to form a component part of such a Congress?

Again: Mr. Salazar, at the head of the legation from that government (Letter Nov. 2d, 1825, p. 6), formally classes the subjects for discussion there into those "belligerent" and those "neutral;" and Mr. Obregon, of the Mexican legation (Letter Nov. 3, 1825, p. 4), admits that "other matters" than what concern us as neutrals are there to be canvassed, and that they grow out "of the actual position of the new powers;" or, in language without any diplomatic flourish, that they grew out of a state of war.

Mr. Canas, from the government of Central America, is, if possible, still more explicit, and describes it as "a general Congress of their representatives at some central point, which might consider upon and adopt the best plan for *defending the new States of the New World from foreign aggression* (Letter Nov. 11, 1825, p. 11). And again: "a general Congress, *to be formed for the purposes* of preserving the territorial integrity, and firmly establishing the *absolute independence*, of each of the American republics." If these are not belligerent objects, I am unable to comprehend the force of language. The President and the Secretary of State have both entertained similar opinions; or where was the necessity to enter so many caveats and protestations against our wish to compromit our neutrality by joining the Congress? How could our neutrality come in question, if there were to be no belligerent deliberations in it? If there were to be no belligerent deliberations there, how could the former person say, in his message, December 26, 1825 (p. 1), that we are "not expected to take part in any deliberations of a belligerent character"? How could Mr. Clay, December 20, 1825 (p. 3), observe, that we were not desired "to take part in *such* of the deliberations of the proposed Congress as might relate to the prosecution of the present war," if no such deliberations were to be held in the proposed Congress?

A Congress, then, springing from a state of war, to be composed, as is said by the President of Colombia, of "confederate belligerents,"—"confederate forever in peace and war," according to their league, and convened chiefly to fix their contingents of troops, and, among some permanent peaceful objects, to impart greater effect to their common resistance to a common enemy, and so concentrate, by a great common "council," all their energies and sacrifices, so as best to advance the cause of their common independence,—I ask, if we, however desirous of neutrality, can form a component, and, it is said, prominent part in such an "august assembly," without extreme hazard to the happy peace and flourishing commerce we now enjoy? Are there precedents for this course on our part? And is it safe, judicious, discreet? Is

the prospect of benefit more than commensurate with the danger? Would it not be a little more prudent, *flagrante bello*, and while these new Spanish States probably have on hand sufficient business of their own for employment, — would it not be wiser to defer, till peace, the manufacture of new national law, new modes of commerce, and new changes in Roman Catholic faith and practice? I repose the most entire confidence in the assertions of our own cabinet, concerning their wishes not to break our present neutrality.

But the inquiry again recurs, Can those wishes be carried into effect, if we become a component part of such an assembly? As a mere Congress of Plenipotentiaries, it is a unit, and not divisible. It is not two Congresses, but one Congress; and if but one Congress, and the objects and origin of that chiefly belligerent, then what becomes of the professed neutrality of one of its voluntary members? If the minority wear a white rose and the majority a red one, does the Congress become any the less a war Congress? Can any kind of assembly, where all the parties are previously apprized that the majority will engage in belligerent objects, be exempt, in any of its component parts, from joint political accountability? Gentlemen may call it what they please, — a Congress, Convention, Confederacy, or Caucus, — and can it assume, both at one and the same time, a belligerent and neutral form towards a single third power? Can it be treated abroad as a belligerent every forenoon sitting, and as a neutral every afternoon? A Congress subject to the laws of war with closed doors, but exempt from them with open doors? How, too, are its officers — *quasi* combatants or non-combatants? How are its printers? How are its incidental expenses divided into belligerent and neutral columns? Are there two modes of protecting the safety of its members, and the independence of its deliberations, according as they may be differently engaged in belligerent or neutral duties?

But I will not tax your indulgence by pursuing these inquiries further, or I could ask, in another view, whether our mere presence at such an assembly, knowing beforehand its hostile objects, and uniting with them on a hostile soil, though disclaiming to join beyond certain of their deliberations, and dividing those as you may, would not alone be likely to give a "political importance" (as Mr. Salazar calls it, page 8) to those Spanish States in their belligerent attitude, which might be construed into aid and comfort; and which, if given by a subject to an enemy, whether amounting to treason or not, would subject him to troublesome scrutinies; and which, when given by one State to another, cannot be very far from a violation of the spirit of neutrality? But I hasten to other considerations. All my remarks, thus far, have proceeded on the hypothesis, that our actual intentions, in joining this Congress, were in every respect commendable — were entirely pacific, and in no degree connected with "the prosecution of the present war;" or, as Mr. Clay again expresses it (28th December, 1825, page 3), "with councils for deliberating on the means of

its further prosecution." Are all our intentions so, in point of fact? I trust we are not to be deceived by any chaff scattered over this subject by the wiles of foreign diplomacy, or to deceive ourselves by any general professions, and loose protestations, not warranted by our acts. Foreign powers cannot be thus blinded; nor can the American people long be hoodwinked in this way into any "pledges," or "secret" alliances of "coöperation" with other nations, in support of any new-born theories, or any experimental principles, not conformable to our ancient policy and our true interests.

I aver, then, that, by the documents before us, whatever may be the verbiage on either side as to neutrality, the real object, as disclosed on the side of Spanish America, in alluring us to this Congress at Panama, is to involve us, in the end, in the prosecution of the present war. I will attempt to show, that she either believes, or pretends, that we have already given a pledge to join her in its prosecution in a certain contingency; that she never invited us to unite in the Congress till about the time when she professed to believe that contingency would soon happen; and that, in all her correspondence as to the objects of our attendance, she thrusts forward into the first rank the discussions as to the mode of redeeming that pledge, and of rendering effectual our "coöperation" with her upon that ground. I will attempt to show, also, that a part of our cabinet must thus understand her; and that, if we now confirm this mission for such an object, we do, by the very mission itself, bind ourselves, in a certain contingency, to future hostilities, unless we are willing to be branded as mere boasters and brawlers, who do not intend, in the end, to redeem our plighted faith.

In support of these positions, Mr. Obregon, in his letter of November 3, 1825, page 4, states, as the reason for inviting us to the Congress of Panama, that, "in the meeting of it, it was thought proper, by the government of the subscriber, that the United States of America, by means of their commissioners, should constitute and take part, as being so much interested in the first and principal object upon which the Congress would be engaged." What is that object? Let the same gentleman answer: "The resistance or opposition to the interference of any neutral nation in the question and war of independence between the new powers of the continent and Spain." He adds, that this subject "the late administration pointed out, and characterized as being of general interest to the continent." He proceeds, upon this point, in language too explicit for misunderstanding: "The government of the undersigned apprehends that, as the powers of America are of *accord as to resistance*, it behooves them to *discuss* the means of giving to that resistance *all possible force*, that the evil may be met, if it cannot be avoided; and the only means of accomplishing this object is by *a previous concert* as to *the mode in which each of them shall lend its coöperation*," &c. The opposition to colonization in America by the European powers will be

another of the questions which may be discussed, and which is in a like predicament with the foregoing. The two principal objects, therefore, which we are invited to discuss there, are the *peaceful* question of "resistance" to the interference of any other neutral nation in their present war, and of "resistance" "to colonization in America" by any European power; and there to settle "the means of giving to that resistance *all possible force*," or, in other words, there to agree, by "a previous concert, as to the mode in which each of them shall lend its coöperation." Coöperation!—how, or when? Of course, by money, troops, or vessels of war, whenever Naples, for example, may choose to aid Spain in her present contest; or whenever Sweden, for instance, may choose to purchase from her Cuba or Porto Rico.

There is no mistake, on this point, as to the gist or essence of the mission. I care not for any formal flourishes concerning neutrality. Nations look to deeds, not words. What are the deeds to be done there? and in pursuance of what is done there? Mr. Salazar, like Mr. Obregon (November 2, 1825, p. 7), says: "The manner in which all colonization of European powers on the American continent shall be *resisted*, and their interference in the present contest between Spain and her former colonies prevented, are other points of great interest," to be discussed by us at Panama. "Were it proper, an *eventual alliance*, in case these events should occur,—which is within the range of possibilities,—and the treaty, of which no use should be made until the *casus fœderis* should happen, to *remain secret*," &c., would be "different means to secure the same ends," &c. "The conferences held on this subject being *confidential*," &c., are we, then, so readily to slide into the snares of artful diplomacy? And are we, by this mission, to form an "eventual alliance to maintain principles which have never yet been avowed but by one department of our government, and which alliance is to be kept "secret" from the people and States whom we represent? Is it to be locked up here as "confidential," till the *casus fœderis* happens, and then our government branded as perfidious, unless they join in the war? What is a mere adoption of the mission, but an assent to this dangerous doctrine, that we are now pledged, and are willing to remain pledged, in certain events, to take part in this foreign war; a war on the despotic principle of maintaining countries more remote from us than Europe itself in a balance of power; a war on the reprobate principle—the principle contradicted by all the practice and professions of our early administrations—of interference in the internal concerns, transfers, colonizations, and controversies, of other nations.

Nor is this view of the nature and tendency of these principles confined to the Spanish States. The executive department of this government must entertain similar notions, and is now virtually calling upon the other departments to oppose or reject them. The President himself merely speaks of "an agreement between all the parties represented at the meeting" at Panama on these points (Message,

Dec. 26, 1725). But the Secretary of State, to Mr. Poinsett, Oct. 25, 1825 (p. 57), says: "No longer than about three months ago, when an invasion, by France, of the island of Cuba, was believed at Mexico, the United Mexican government promptly called on the government of the United States, through you, to *fulfil* the memorable pledge of the President of the United States, in his message to Congress of December, A. D. 1823; what they would have done, had the *contingency* happened, may be inferred from a despatch to the American minister at Paris," &c. Then follows that despatch, dated Oct. 25, 1825, in which he deliberately avows that "we could *not consent* to the occupation of those islands by any other European power than Spain, *under any contingency whatever.*" The same sentiment is repeated to Mr. Middleton, Dec. 26, 1825 (p. 47): "We cannot allow a transfer of the island (of Cuba) to any European power." Has it, indeed, come to this, that we are to tell the autocrat of fifty millions he has not the same right to take a transfer of Porto Rico as we had to take a transfer of Florida? Is this republicanism, equal rights, and received national law,—or is it some marvellous discovery of the present age? And are we prepared, by this mission, to back up by a war the menace to France, that in no contingency whatever shall she be allowed to occupy Cuba, although she buy it of Spain, by as fair and as honest a treaty as that by which we purchased Louisiana of France herself?

Are these the doctrines of the American Congress or of the American people,—or do they savor of the Holy Alliance? Permit me again to repeat, that there is no mistake on these points. We act with our eyes open, and with the naked principle exhibited in so many different postures, and in such bold relief, that if the mission is once sent to enter into measures to enforce it, the die is cast forever, unless we prove perfidious and treasonable when the contingency occurs. Mr. Poinsett, 28th Sept., 1825 (p. 54), removes all doubt on the other point also; because, he says, "the United States had pledged themselves *not to permit* any other power to interfere either with their (Spanish American) *independence, or form of government;* and that, as, in the event of such an attempt being made by the powers of Europe, we should be compelled to take the most active and efficient part, and to *bear the brunt of the contest*, it was not just that we should be placed on a less favorable footing than the other republics of America, whose existence we were ready to support at such hazards."

But the United States, as a government, have not yet pledged themselves to any such entangling and despotic principle, in respect to any other nation whatever. They have not yet agreed to "bear the brunt of the contest," in any foreign war; nor support, at "such hazards," "the independence or form of government" of any nation or state, except our own nation and those of the States composing our own Confederacy. Any such "agreement" would violate the constitution, and plunge us into a vortex of new coalitions and confederacies,

abhorrent to every feeling and maxim of our venerated fathers. Avowals of such principles, whether made by Mr. Monroe or others, are very justly, on one occasion, styled by the secretary "*uncalculating* declarations." (Letter to Mr. Poinsett, p. 56.) But, after time to calculate and consider, let me ask, in the name of all which is sacred and holy, will gentlemen still pronounce a mission pacific, and safe, and expedient, whose confessed and leading object is, to discuss "the means of giving" "all possible force" to our "coöperation" in such principles? and to settle the mode of that "coöperation," when we are called on "to bear the brunt of the contest," — to settle how many of our gallant sons are to find ignoble graves under the tropical sun of Guatemala, if some petty Hessian prince should hire a regiment of infantry to Spain? or how many of our fearless seamen are to be sacrificed, to prevent other nations from taking possession of Cuba or Porto Rico, in the same manner we ourselves took possession of Louisiana and Florida?

Where, also, is the crisis, where the emergency, to justify such an extraordinary measure? "Why quit our own, to stand on foreign ground?" Why join our fortunes in any case, — much less in an useless war with powers of another origin, another tongue, another faith? Have we become incompetent to our self-defence? Are we in need of foreign "councils," and foreign "deliberations," to manage our own concerns? Or are we so moon-struck, or so little employed at home, as, — in the eloquent language of our President, on another occasion, when the sentiments expressed found a response in every patriot heart, — as to wander abroad in search of foreign monsters to destroy? Speaking of America, and her foreign policy, he observed: "She has abstained from interference in the concerns of others, even when the conflict has been for principles to which she clings as to the last vital drop which visits the heart." "Whenever the standard of freedom and independence has been or shall be unfurled, there will her heart, her benedictions, and her prayers be. But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own." (Adams' Oration, 4th July, 1821.) This is the first time that the legislative department of our government has ever been distinctly appealed to for its sanction to the new notions thus ably denounced by him; and if we now approve the Panama Congress, whose chief object is to enforce them, we at once adopt and approve the principle, that Spain has not, by such alliances as national law warrants, and as were formed, on both sides, in our own Revolution, any right to attempt to reconquer and recolonize South America; and, further, that she has not, by such sales as national law warrants, and as we ourselves have partaken, any right to transfer Cuba or Porto Rico to any European power with whom she can agree upon the purchase-money; and that these unprecedented and unjust positions we are willing to maintain at any sacrifice of blood and treasure.

These questions have no concern with our former recognition of the independence of South America, any more than with our recognition of the government of Spain, under her Cortes. That recognition was doubtless proper and friendly; but every sciolist in jurisprudence must know, that it has imposed no obligation on us to fight with her for that independence, any more than our recognition of Napoleon bound us to fight with him for the throne of the Bourbons.

A mission, therefore, for these avowed objects on our part, and with such avowed expectations on their part, seems not only adverse to all the theory and practice of this government, but it is a mission which, in all human probability, must ere long terminate in open hostilities. These hostilities are made to depend on only one of two contingencies, which are monthly expected to occur. Negotiations for mediations, &c., have postponed more active measures. But the great pacificator of the eastern continent, even when living, gave us no just expectation of peace, except in their submission; and now, when dead, the shadows, and darkness, and storms, that seem to rest over the succession, exclude, at least, all better hopes. Spain, too, by the correspondence before us, has signified her most fixed and unalterable resolve never to remit exertions, in any reverses, however desperate, to subdue her provinces. (See Mr. Everett's Letters, — 27th April, 1825, and 25th September, 1825, and October 20, 1825.) In this crisis, new efforts and new arrangements are highly probable, and are to be daily expected.

And the moment a Russian frigate may enter the harbor of Havana to take possession of her forts, under such a contract as that by which we once entered New Orleans, that moment we are to say, by the principles of this mission, that the United States have become obliged to embark in the existing war. Or, the moment a German soldier is landed in Paraguay or Peru, to aid Spain in the subjugation of any of her provinces, we are to say, by the principle of this mission, that the United States, unless false to every tie of honor, and recreant to redeem their plighted faith, will march her sons over equinoctial sands and frozen cliffs, more distant than Europe itself, to perish in this American crusade for Holy Alliances.

But, to dwell no longer on these points, by which, already, I fear, the patience of the House has been too severely taxed, it is said that other objects exist in the mission, which are highly desirable, and perhaps a full counterpoise to all danger. It is urged that we shall increase the friendly regard between sister republics. What, sir! is there, in such a regard, any counterpoise to war? to the destruction of our commerce, and the sacrifice of our seamen and soldiery? Or, if we blink the contest, and, when the crisis comes, in one of the contingencies before named, if we skulk behind protestations, and proclamations, and diplomacy, will that increase fraternal amity? — or, rather, will it not, after the present deliberate recognition of the supposed pledge, excite hate the most unquenchable? Will it be "a token of

respect to them," to seek to delay longer their threatened invasion of Cuba, which our cabinet can see no "justifiable ground" to oppose by force, though they can see such ground thus to oppose any peaceable transfer of it to any European power? or to protest and rail against their supposed principles of arming, in that invasion, a vast slave population against their masters, and of reäcting all the bloody scenes of St. Domingo, so near our southern border? (Clay to Middleton, Dec. 26, 1825.)

Will they consider it among our "good offices," if we lecture them, in the language of the President, about their "religious bigotry and oppression"? (Message, Dec. 25, 1825.) "Some of the southern nations are, even yet, so far under the dominion of prejudice, that they have incorporated with their political constitutions an exclusive church, without toleration of any other than the dominant sect. The abandonment of this last badge of religious bigotry and oppression may be pressed," &c. As I understand it, the very faith of those nations is exclusive; and are we about to undertake missions to alter the religious faith of other nations about "an exclusive church," and particularly of a nation a large portion of whose officers are priests of this very faith?

How many missions and missionaries must we despatch to effect this object, even if we limit our benevolence to those nations, whether American, European, Asiatic, or African, with whom we enjoy commercial intercourse, and who retain the "prejudice, bigotry, and oppression," of an "exclusive church"? On this principle, my own native State, for aught I know, will next be blessed with a mission, either, from us, to reform its "bigotry and oppression," or, in return, from the Panama Congress; for, by express prohibitions in her constitution, not a single *Catholic*, — much less Jew, Mahometan, or Deist, — is eligible to either her House of Representatives, her Senate, or her executive chair; — indeed, no person, unless he be of the "Protestant religion." But it is no more a practical oppression there, than their "exclusive church" is in South America; the Catholics with us, and the Protestants with them, being almost unknown, and never molested, with us, in their worship or political rights.

Again: it is said that our interests can be promoted, at the Congress of Panama, by commercial discussions. But, with the most important of the States there represented, we now enjoy treaties placing us on the most friendly footing. And, if the other deputies should come there empowered to negotiate on these points, — of which I see no evidence in these documents, — we are not so likely to succeed, when so greatly outnumbered, and in the midst of so much other more urgent business, as at the separate court of each power.

Much alarm has been professed, lest England would join the Congress, and forestall us in some advantages in trade. But the spirit of her constitution, and the disciplined judgment of her statesmen, have kept her out of the Holy Alliance; and would equally restrain her, I

trust, from uniting in this, had she been invited. Further, we have the authority of Mr. Clay himself for saying (Letter to Mr. Poinsett, p. 57), "that such an invitation has been given to no European power; and it ought not to have been given to this, if it is not to be considered as one of the American nations." Every treaty and document before us expressly limits the Congress either to the nations ci-devant Spanish, or, at the furthest, to the nations of the American continent.

As far as the Congress goes, not embracing every nation here any more than the Holy Alliance embraces every nation in Europe, it is to be deemed the "Continental System of America" (Canas' Letter, Nov. 11, 1826); and I trust the freest nations here, like the freest nations there (such as England and Sweden), will not be beguiled into it, under any fallacious notions, that intermeddling and force, as to the concerns of other States, are any more holy on one continent than on the other.

No less questionable is the expectation that such a mission will terminate in any improvement in the codes of national or maritime law.

In the midst of an inveterate and bloody war, and while devising measures to consolidate their independence, and impart greater vigor to their arms, the chance is a sorry one, and the leisure scanty, for adjusting these complicated objects of peace.

We, also, should be a humble minority in number, in the discussion of every principle of this kind; and should not be very likely to persuade persons educated in the bigotry and despotism of Spanish principles to think like the descendants of the "sea-girt isle," who, for ages, have breathed so different an atmosphere, in law, politics and commerce.

If there can be named a single controverted question, on these points, where the interests of those States would not induce them at once to join us by an ordinary negotiation at their own courts, I frankly avow that, with all my prejudices against England, as the oppressor of our fathers, and the recent enemy of ourselves, I would prefer to abide by the enlightened opinions of her jurists in the discussion and adjustment of it — men who have grown up under a free press, jury trial, representative legislation, a habeas corpus, and an independent judiciary — than to abide by the decision of Spain, or any limb of Spain in either hemisphere. Nobody can exult more highly than myself in the prospect of the independence of the ci-devant Spanish provinces; but there must expire some generations more, ere their education, laws and habits, will so radically change as to convert them into safe arbitrators for nations like ourselves. Neither can they be safe counsellors beyond their immediate interests. They are not, in general, of a like origin, a like religion, a like language, a like system of laws; and whatever disputed questions of national law are to be changed or adjusted, in which their interests do not already incline

them towards our views, it will, in my opinion, be much wiser to trust to the silent and gradual operation of a free press, of books, of increasing civilization and commerce, than to debating assemblies, in which they constitute the majority, and have other subjects at stake, far more momentous and urgent. And who ever heard of a nation being at once convinced, against its interest, by the plea of a lawyer, or the argument of a diplomatic agent?

Again: it has been suggested, by the gentleman from Rhode Island, that it may be useful to have this mission approved, so that the envoys may watch "contingencies." I did suppose that our present large foreign corps in South America—and one of them at Colombia, in the very neighborhood of this Congress—might be sufficient to watch "contingencies." Or, if we must have some person at the very place of meeting, that a mere agent, without public credentials, and paid from the contingent fund, would be an Argus much more safe, as well as successful, in watching "contingencies." One incalculable advantage from such a course would be, the impossibility of thus implicating us in the character or measures of the Congress, and the freedom we should still enjoy as to embarking in the present war voluntarily, on the occurrence of any of the circumstances already commented on. But a still further advantage would be, that our course, by keeping quietly at home, or sending only such an agent, till we have further light on the organization, objects, and general character of this Congress, would not expose us to any censure on constitutional grounds, or on grounds of rash and expensive adventure, upon any project dangerous and impracticable.

For, I ask gentlemen, and entreat a reply, whether they are now able to tell us the whole mode of proceeding, and the binding effect intended to be given to such proceeding in this Congress.

One has said it was to be a mere ordinary Congress of Plenipotentiaries, simply, with full powers to negotiate on certain points. Another has conjectured that it would be a Congress like the old Provincial Congress; and that our delegates would form a component part of it, and be bound as other delegates on the subjects intrusted to the Congress. Another, seeing the difficulties of either of these hypotheses on the documents before us, has insisted, that whatever may be the true character of the Congress itself, we were not to form a component part of it; but merely to despatch our representatives to reside near it, and negotiate with its agents, as foreign ministers negotiate with our agents here. Some of these views have been presented in debate, and others in conversation. But doubts and difficulties insuperable seem to attend either of them. We have already shown, by numerous and clear quotations from the treaties and other documents, that, so far from being an ordinary Congress of mere diplomatic agents, to last a few months or years, and then be dissolved, some of its duties are perpetual, and are judicial, rather than diplomatic; and that it has ever been destined to be the perpetual head, "council,"

and rallying-point, of an association of States, under a "perpetual league." These, and other circumstances, strengthen the second conjecture before named, of its resemblance to our old Congress; because, like that, it is convened under a "confederation" of independent States. It is convened under a similar contest for liberty, and with a similar view to concentrate their hostile efforts in promotion of the common cause. Like that, the votes of each State are equal but by means of their representatives being equal in number; and the place of meeting is subject to be changed by a majority of the States (Doc., p. 33). The names given to these representatives, we have before seen, are various, and exhaust almost the whole vocabulary as to agents with delegated power; and consequently settle nothing as to their specific authority. But, like our old Congress, they are to have "rules" of proceeding (Obregon's Letter, p. 5), and a regular "organization" (Mr. Clay, p. 4), and "mode of action" (do.), and to be thus formed into an "assembly," and with all these things "distinctly arranged prior to the opening of its deliberations" (do.); else they can never proceed in these "deliberations,"—collect and register their "votes,"—have their judgments, as "umpires" in disputes, recorded, and the "quota of troops" between the "confederates" adjusted. It is true that, in some respects, their power seems greater than that of our old Congress, and in some it is manifestly less; though neither of them are permitted to encroach on the separate sovereignty and internal police of the States forming the confederation, and represented in the Congress.

But, while all this is very well and proper for those "confederate belligerents," and is just such a Congress as would be expected among them alone, and such as was for three years confined even in theory to them alone, as before explained, it is very apparent, to every reflecting mind, that we cannot form a component part of it, by any clause of power conferred on us in our constitution. That we can join in no other permanent political assembly, without a new charter from our own States; that the interpretation of our treaties cannot by us be transferred to a distant tribunal of Spanish deputies; and that we must continue the umpire of our own disputes, and the head of our own Confederacy, until the people and States of this Union consent to mingle their fortunes with other confederacies, to be lost in this great swarm of Spanish American States,—to become a single satellite to a larger planet, and with no more power in the great Continental Confederacy of all the American nations than Peru or Guatemala.

Nor can it be tolerated, for a moment, that they will admit us into such a Congress as a component part, unless we are to be bound in common by their decisions; but I admit, that after such a Congress is formed, it may be considered such a government or federal State that we could despatch ambassadors to it in the usual way, and to treat with it on usual subjects for negotiation; and this brings us to the last conjecture, as to the manner in which our envoys are to go and act at Panama.

This hypothesis would accord very happily with the usage of nations,

in despatching ministers to our old Congress, after our independence was acknowledged, only it happens unluckily that such ministers cannot take part in the deliberations, of any kind, of such a Congress; and that our ministers at Panama are again and again said to be intended "to take part in those questions" there to be discussed (Obregon's Letter, p. 4), "and in the meeting" of which Congress, "that the United States of America, by means of their commissioners, should constitute and take part." (Ditto.) They are also to have "persons to represent them in this assembly" (Salazar's Letter, p. 8); and how else can it be "a general Congress of the American Republics"? (Canas' Letter, p. 11.) And if our ministers are to be seen only in the galleries or lobbies, like other foreign ministers, what becomes of the splendid illusion sported before our eyes, that we are to form the head of this great Continental Confederacy, and play in its "council" the Nestor, Agamemnon, or Ulysses, or all of them at once? In this view of it, likewise, how can our ministers be deputed to a Congress or Confederacy, with whom, as a *quasi* State, they are to negotiate, until that Congress is organized? Even since the nominations on your table were made, we have heard that the deputies from Mexico had not started; and no information has yet been received of its being organized at all, for any purpose whatever. Why this haste to plunge into new experiments and unforeseen dangers? Nor in this last view of the mission, if there be in any other, does there yet exist any protection for our ministers, any guaranty for our national honor. If they enter a corner of the territory of Colombia, it is not under a commission to the Colombian government; and we have no treaty stipulation, like all the other confederates, as to the persons of our representatives at the Congress. (See all the treaties in documents.) For aught which appears, they may be imprisoned for debts, or prosecuted for torts; and the sufferings, and claims, and remonstrances, of other Spanish victims like Richard Meade, may longer inflame this nation, and burthen our journals.

In fine, under none of those delusive expectations as to certain ill-defined and unattainable objects, at the imminent hazard of our neutrality, or with a view to redeem pledges which this government, as a government, have never yet given, and, I trust, never will give, in defiance of all the policy and injunctions of our wisest statesmen, and which pledges tend directly to war, — I hope we never shall be incautiously allured into any kind of alliance or connection with this nondescript Congress at Panama.

If our constitution had not become almost a mere nose of wax, I should add that, if the Congress be a permanent confederacy, for any political objects whatever, common to its members, we cannot become a component part of it without transcending our constitutional powers; or if we are not to form a component part, but merely have ministers resident near it, that the confederacy must be organized, before, by any construction of our constitutional powers, a commission can run to it.

The other idea, that they might be deputed to a Congress at large, of mere plenipotentiaries, to negotiate treaties of commerce, or peace, or limits, and then disperse, — and that they could so be deputed, without any guaranty, by treaty or otherwise, for their persons, and without any legal provision of any kind for the creation of such deputies, — though in some degree questionable, may be correct in the abstract, for aught I shall now stop to inquire. But, in point of fact, it is not correct, from these documents, that the Congress at Panama is a body of this description; but, as before shown, it is a Congress formed under a perpetual league, with perpetual duties, — and those duties, some belligerent and some peaceful, some political, and some judicial and municipal, and no more to be joined with in deliberation by a mere envoy, and a neutral envoy with customary powers, than we are to be joined with in deliberation by any of the plenipotentiaries, however respectable, who are deputed hither.

Under all these circumstances, it is, in my opinion, the solemn duty of the Senate not to advise this mission: the solemn duty of this nation, under such doubt and peril, not to try, while we are well, to be better. I would wait, in patience, till at last we obtained that more specific information about the powers, and character, and objects of the Congress, which the President himself at first considered indispensable (doc., p. 4); and which information, to the extent desired, the Secretary frankly admits has never yet been obtained. (Letter, Nov. 30, 1825, p. 10.)

Peace will doubtless arrive as soon as those belligerent powers will enjoy leisure to engage with utility in any peaceful improvements with us, — *Inter arma silent leges;* and it seems to me the dictate of prudence now to remain contentedly at home, without embarking in any new experiments of diplomacy, or of coalitions with "confederate belligerents;" to pay off, as fast as possible, the debts of former wars; to husband our resources; to encourage our States in the cultivation of the arts, of manufactures, and of agriculture; to give due protection to commerce, and retain for our motto, "Honest friendship with *all* nations, — entangling alliances with *none.*" Numerous other considerations press upon my mind, in connection with this mission; but I do not choose to fatigue an attention which has been so kindly indulged to me, by repeating what has before been expressed with so much eloquence by the gentleman from South Carolina, or by pressing additional points, which other members will doubtless enforce better, at some more seasonable hour.

Under these convictions, sir, as to the principles of the mission, I am prepared to vote against it in every shape; and seek no higher vindication for my conduct than the consciousness of having formed those convictions after full research and patient reflection.

OF THE UNIVERSITY OF CALIFORNIA

SURVEY AND SALE OF PUBLIC LANDS.*

PERHAPS I could best repay the kind indulgence of the Senate yesterday, in adjourning so early to accommodate me, by an entire silence to-day. But it was my lot — possibly my misfortune — to offer an amendment to the resolution which has occasioned such a long, and, in some respects, unpleasant debate. The amendment was offered in that spirit of kindness towards the west which I had rather practise than merely profess; and, after opinions on the subject had become controverted, it was offered with a view to elicit fully the real disposition felt in this body concerning the surveys and sales of the public lands. The unexpected motion to postpone both the resolution and the amendment evidently tends to defeat a distinct expression of opinion upon either, and has opened the door to a course of argument, and a latitude of discussion, I believe, somewhat unprecedented. It seems to have metamorphosed the Senate, not only into a committee of the whole on the state of the Union, but on the state of the Union in all time, past, present, and to come. So be it, if gentlemen please. This is not alluded to in the spirit of rebuke against either side, as every senator, in such cases, is doubtless at liberty to pursue the dictates of his own judgment, and is doubtless able to vindicate his own course to his constituents and his country.

But, in one view, this wide range of discussion has proved a subject of deep regret to me, individually, as it has led gentlemen into remarks on the amendment, and on matters and things in general, some of which bore personally on myself, and on that portion of my constituents with whom I had the pleasure to act in the late presidential election. Those remarks, if unnoticed, may lead to a misapprehension of our real opinions on questions of public moment, — which opinions I disdain to conceal, so far as regards myself, — and to imputations on those constituents utterly derogatory and utterly unmerited, — imputations about which I cared little, if flung, in the scavenger slang of the day, on myself alone, because I have long been inured to them from certain quarters, like all other men in the east who refuse to bow the knee there to certain political dagons; but imputations against which, when gravely made by conscript fathers, and extended to a large body of my constituents, I feel it my duty to defend them, here and elsewhere, now and henceforth, while I have power left to defend anything.

But let us first advert a moment to the amendment offered by me to

* A speech on Mr. Foote's resolution, proposing an inquiry into the expediency of abolishing the office of Surveyor General of Public Lands, and for discontinuing further surveys until those already in market shall have been disposed of; and which Mr. W. had moved to amend, so as to inquire into the expediency of extending more rapidly the surveys, and hastening the sales of the public lands. Delivered in the Senate of the United States, February 23, 1830. This was the only instance of indulgence, while in the United States Senate, in comments on party politics; and, in this case, it was in self-defence.

this resolution, and my opinions on its subject-matter. The amendment has been treated by some in debate, and roundly asserted in the numerous libels that issue from the epistolary mints in this city, — those manufactories so exorbitantly protected, — to be, in substance, a proposition to give away the whole public domain of the Union. Whereas, in truth, it contemplates nothing beyond an inquiry for that light and information so earnestly urged by others, — a mere inquiry, in a less exceptionable, less questionable shape, into the expediency of making a more rapid survey and sale of the public lands.

The reasons for that inquiry have before been stated, and need not be repeated, except to observe that they rest on the facts of increasing competition in the sales of land by other governments on our northern and south-western frontiers; the vast quantities yet to be surveyed and sold by ourselves; and our duties to the new States equally, in respect to the survey, sale, and settlement, of our untaxed domain, within their respective boundaries. To discharge such duties, — to give a wider sphere for choice to the enterprising yeomanry from the east and the Middle States, as well as the west, — to obtain sooner the means for extinguishing the public debt, that great mill-stone on the neck of every popular government, — all will admit to be legitimate objects; and an amendment seeking these objects could not but tend to fulfil with promptitude the condition on which most of these lands were originally and generously ceded to the Union. This is the whole length, breadth, and depth, of the amendment. But when we travel beyond the amendment and the resolution, to speculate on what has been done and what shall be done with these lands in future time, after paying the public debt, then these lands become the apple of discord, — then we open a Pandora's box of fears, jealousies, and fierce collisions. On this point I have heretofore said nothing, in this discussion; and should say nothing now, had not my views on the disposition of these lands been misrepresented, and some of my votes at former sessions perhaps misunderstood.

By the terms of the grants, I had always supposed that, as all lands north of the Ohio were expressly obtained "for the common benefit and support of the Union," as Congress had resolved they "shall be disposed of for the common benefit of the United States," and as the residue of our lands was purchased by our common funds, no doubt could exist that they must be used and granted only in a way to be beneficial to the whole. All sales of them, even at reduced prices, and whether to States or individuals, would always, in my opinion, be thus beneficial, if competition was open to all; because all would participate in the purchase-money obtained, and all could embark in the purchase itself. The hardy and enterprising yeomanry of the east and the Middle States, who seem almost entirely to have been forgotten in this debate, would then find constantly opened to the ambition of themselves and their sons the benefit of lands at prices within their frugal means, and under democratic institutions of their own choice; and every valley

and river of the west would in part become, as many of them are now, vocal with New England tongues, and would in part be improved and gladdened by New England industry. So, a division of the lands among all the States, who are as joint proprietors, whether divided for specified or general objects, would seem to me a disposition of them for the "common benefit;" but whether it would ever, in other respects, be a judicious disposition of them, considering the new relations and dependency it might create between the General Government and the States, is a grave question, not now material to me to discuss. On our claim and title to these lands, the State I partly represent has expressed a similar and decisive opinion, and one from which I have yet seen no sufficient reason to dissent.

"Forasmuch, therefore, as the property and jurisdiction of the soil were acquired by the common means of all, it is contended that the public lands, whether acquired by purchase, by force, or by acts or deeds of cession from individual States, are the common property of the Union, and ought to inure to the common use and benefit of all the States in just proportions, and not to the use and benefit of any particular State or States, to the exclusion of the others; and that any partial appropriation of them, for State purposes, 'is a violation of the spirit of our national compact, as well as the principles of justice and sound policy.'"—*Niles' Reg.* p. 391. *Res. of N. H. Leg., Jan.* 22, 1821.

And further:

"That each of the United States has an equal right to participate in the benefit of the public lands, as the common property of the Union."

Those who passed that resolution sought no injustice or inequality towards the new States. The democracy of New Hampshire, neither then nor now, any more than in the last war, would refuse any aid or relief to the west within the permission of the constitution; they could, neither in peace or hostility, taunt her when distressed, nor mock when her calamity cometh. Grateful for the sympathies and kindnesses shown them, in this debate, from some of the west as well as the south, I presume they stand ready now, as ever, to make any modification in the system of the public lands, or in the prices, the surveys, or the sales, which can prove useful to the new States, and, at the same time, not prove unequal or unjust to the old States, nor conflict with the condition of the original cessions, or the specific powers of the General Government over the common property of the Union. They stand ready to do this, also, because it is right; and not to form new, or perfect old *alliances*, since they seek no alliances with the south, the west, or the centre, but those of mutual respect, mutual courtesy, and mutual benefits, according to the provisions of the constitution.

Such a division of the lands as the New Hampshire resolution approves, without reference to other notions concerning what has before been granted for education, and to the other consideration before named, would, to every unjaundiced eye, seem to keep up the symmetry of our political system as a confederation, and not a con-

solidation, of States; and hence would keep up an adherence to their mutual rights, as States, in the whole public property. Any such disposition of them, if effected speedily, would likewise relieve Congress from a subject of legislation most burthensome, invidious, and vexatious. Whether our bills be four hundred or four thousand, on that subject, they certainly engross much time, and subject us to vast expenditures. Either a sale or division would bring relief. The west would be double gainers by either, as they would get an equal share in the division, and a speedy power of taxation over the whole.

But the contrary course, of a yearly scramble for scraps of these lands, — sometimes for roads, sometimes for canals, sometimes for asylums, and sometimes for colleges, — seems to me anything but a disposition for the "common benefit," and seems likely to prove an endless source of favoritism, jealousies, and corrupt combinations. If the lands do not all, in time, become thus wasted and frittered away, for little of good to any quarter, they surely will be disposed of very unequally, — they will excite dissatisfaction in the States not made donees, rather than tend to the "support of the Union," and they will be appropriated to objects not, in my opinion, specified in the constitution as within the cognizance of the Government of the Union.

The test adopted by some gentlemen, in voting for a grant to a road, canal, or college, — that, if it be a good to the place where located, it is a good to a part of the whole, and thus a good to the whole, — seems to me a very convenient argument to support a donation, in any place, to any object, however limited, if the object be only beneficial in any degree; and the whole domain, certainly, might thus be taken off our hands in a single week. To contend, also, that the lands may be given to such objects in small quantities, and may not at once be given to one, or a few, or all the States themselves, in large quantities, seems to me a suicidal position, and to make a distinction without a difference.

Not examining the particular kind of sales the government can make for the common benefit, — such as grants to the new States for schools, receiving virtual compensation therefor, by having the rest of the land freed from taxation, — I merely lay down what I suppose to be the general principle.

On that principle, no reasoning has been offered which convinces me that lands can be legally appropriated to any object for which we might not legally appropriate money. The lands are as much the property of the Union as its money in the treasury. The cessions and purchases of them were as much for the benefit of all as the collection of the money. The constitution, as well as common sense, seems to me to recognize no difference; and if the money can only be appropriated to specified objects, it follows that the land can only be so appropriated. Within those specified objects, I have ever been, and ever shall be, as ready to give lands or money to the west as

the east; but beyond them, I never have been ready to give either to either. Towards certain enumerated objects, Congress have authority to devote the common funds, — the land or the money, — because those objects were supposed to be better managed under their control than under that of the States; but the care of the other objects is reserved to the States themselves, and can only be promoted by the common funds, in a return or division of those funds to the proprietors, to be expended as they may deem judicious.

The whole debate on these points goes to satisfy my mind of the correctness of that construction of the constitution which holds no grants of money or lands valid, unless to advance some of the enumerated objects intrusted to Congress. When we once depart from that great landmark, on the appropriation of lands or money, and wander into indefinite notions of "common good," or of the "general welfare," we are, in my opinion, at sea without compass or rudder; and in a government of acknowledged limitations, we put everything at the caprice of a fluctuating majority here, — pronouncing that to be for the general welfare to-day, which to-morrow may be denounced as a general curse. Were the government not limited, this broad discretion would, of course, be necessary and right. But here every grant of power is defined. Many powers are not ceded to the General Government, but are expressly withheld to the States and people; and no right is, in my opinion, given to promote the "general welfare" by granting money or lands, but in the exercise of the specific powers granted, and in the modes prescribed by the constitution.

Such limitations on power are admitted by all to be the great glory of a written constitution; and, since the Magna Charta at Runnymede, can never be long violated with impunity, among any of Saxon descent.

The General Government is well known to have been created chiefly for limited objects connected with commerce and foreign intercourse; and so far from being unlimited in its jurisdiction, extent, or means, was based on express and jealous specifications, and designed not for the prostration, but the preservation, of State rights and State governments, for most of the great purposes of political society. Without going further, at this time and on this occasion, into the argument, legal or constitutional, upon the broad and the strict constructions, I shall content myself with some references to the political bearing of these constructions on the public lands, and on the great topics of controversy introduced into this debate, and to some signal authorities in favor of my views, found in the records of the General Government, and of the State which I have the honor in part to represent. A State whose instructions I shall not, like the senator from Maine, refuse to obey, nor deny to be my only earthly "*lord and master*," rather than the individual "*idol or image*" of which he spoke so reverently.

We all know that, early as 1794, the division commenced in Con-

gress, between the advocates of extended constructive powers in the General Government, especially in its executive department, and the advocates of State rights, and of restricted views on constitutional powers.

In relation to Jay's treaty, and the questions connected with it, the lines began to be distinctly marked; and the head of the present administration was found, as the author of the Declaration of our Independence was found, among the firm opposers of indefinite constructive powers; and the vote of the former, on the retirement of the first President, so often appealed to and misrepresented, in the late canvass, by his opposers, appears to have been predicated entirely upon part of the policy and measures then pursued, bearing on these views of the constitution. He has repeated his former opinions, in his message at the opening of this Congress, by warning us not "*to undermine the whole system by a resort to overstrained constructions*," and by warning us against "*all encroachments upon the legitimate sphere of State sovereignty.*" The same course of division among our leading statesmen was evinced in the debate on the foreign intercourse bill, in 1798; and the distinguished agent on the north-eastern boundary, now in this country, then, as since, bent the whole force of his acute and profound mind to show the evil tendency of such an administration of the General Government. The alien and sedition laws, soon after, brought the hostile parties to a crisis; and then the strong reasoning of Mr. Madison, in the Virginia resolutions of 1798, and the acute mind of Mr. Jefferson, in those of Kentucky, and the whole influence of their democratic coadjutors throughout the Union, were concentrated against those alarming doctrines, and their fatal practical consequences. One of the Virginia resolutions was in these words:

"That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them." —*Virg. Res.*, p. 4.

Another resolution is in these words:

"That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its power by the forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration, which necessarily explains and limits the general phrases, and so as to consolidate the States, by degrees, into one sovereignty, the obvious tendency and inevitable result of which would be, to transform the present republican system of the United States into an absolute, or, at best, a mixed monarchy." —*Virg. Res.*, p. 9.

Mr. Jefferson, in his letters, has followed up the same ideas; and never parted, till he parted with life itself, from this democratic view of the constitutional compact.

"You will have learned that an act for internal improvement, after passing both Houses, was negatived by the President. The act was founded, avowedly, on the principle that the phrase in the constitution which authorizes Congress 'to lay taxes, to pay debts, and provide for the general welfare,' was an extension of the powers specifically enumerated to *whatever* would promote the general welfare; and this, you know, was the federal doctrine. Whereas, our tenet ever was, — and, indeed, it is almost the only landmark which now divides the federalists from the republicans, — that Congress had not *unlimited powers* to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action: consequently, that the specification of powers is a limitation of the purposes for which they may raise money." — 4 *Jeff. Works*, 306.

Other remarks of his, in like terms, have been before cited, and need not be repeated.

They were opinions which then endeared him to a majority of the Union, and in 1800 effected the first great political revolution in the administration of our General Government. They were the views of his talented successor, in after times as well as in 1798, as evinced in numberless of his public acts; and they, in substance, remained the views of his second successor, — at least, during his first term of office. They long constituted, everywhere, the watch-word of democracy. With many, they always have remained the strongest test of political orthodoxy. Such was Mr. Jefferson's own remark, late as 1819. (4 Jeff., 306.) And though, in after and more recent days, some departures may have been witnessed in our ranks from these doctrines, yet they have in general been apparent and local, rather than real and general departures from the doctrines themselves, and have existed rather in a difference of opinion, in particular applications of those doctrines, and in a difference about details, than about fundamental views on the true mode of construing the constitution. Some have been misrepresented on this head; and none, I believe, sir, more than yourself. These differences have been rather "the clouds that hang on Freedom's jealous brow," than any palpable darkness, or any desertion of the great principles contended for by the democracy of the Union in the great revolution of 1800. Some differences, and honest differences, may, and doubtless do exist, on this point, in all parties; but I am now speaking of this as one basis of the change in administration at that era, and as one of the doctrines of the party at large, as a party, which effected the change. That the opinions of New Hampshire have coincided with the views, whenever her politics have been democratic, and that I, on them, as on the subject of the public lands, am representing truly these sentiments of her democracy, and not as a *Judas*, so courteously insinuated more than once, is easily demonstrable by a reference, not to pamphlets or newspapers, forgot-

ten or fresh, but to her legislative records. While that State continued under the control of men opposed to Mr. Jefferson, and of principles so fatal to his predecessor, — while her representatives here were voting for Aaron Burr, — she, as would naturally be expected, voted against the doctrines of the Virginia resolutions.

But when politically she became regenerate, and moved in harmony with the majority of her sister planets, in the democratic system, — when the tendencies and progress of the opposite doctrines — doctrines urged so often and so strenuously by that gentleman's (Mr. HOLMES) "matchless spirit of the west," and under his lead, — when those tendencies began to alarm the watchful, and call forth deliberate and decisive expressions of State opinions on questions so dear to the purity of the constitution, — New Hampshire came out, in both her executive and legislative departments, against the favorite views of that "matchless spirit." She came out with directness and independence, as sovereign States ought to come out, on all great emergencies. She showed her disregard, as a State, of men, — whether southern or eastern, whether politicians or judges, in high places or low, — who, in her opinion, had attempted to seduce the people of the Union, by gradual and stealthy attacks, into the same enlarged and constructive views of the constitution which the revolution of 1800 had openly exposed and defeated.

Her executive, in June, 1822, declared (see 21 Niles' Register) that:

"The measures of the National Government are justly regarded as subjects of great interest to the people; but they become more peculiarly of this character, when believed to be founded on doubtful or erroneous constructions of the constitution, tending to an extension of their own powers. When a case of this kind occurs, or even if it appears probable that it is about to happen, it becomes *the duty* of the Legislatures of the individual States to adopt such constitutional measures as may tend to correct the error, or avert the evil."

"The constitution gives to Congress the power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States,' and immediately proceeds to define and vest the specific powers which were deemed necessary to effect these objects. Amongst these it is thought none can be found, which, on any known principles of construction, can authorize Congress to expend the public resources in mere objects of internal improvement. The power to impose taxes, to pay the debts and provide for the common defence and general welfare, seems to have been construed as a specific grant of power to Congress to do any act, or adopt and carry into effect any and every measure, without restriction, which it might suppose would conduce to the general welfare. This construction is believed to be wholly unwarranted."

"When we advert to the great caution with which the powers vested by the constitution were defined and guarded by that distinguished body of men by whom it was framed, we find it impossible to believe the indefinite phrase 'to provide for the common defence and general welfare,' in the connection in which it is, to be susceptible of that broad and sweeping construction, which must of necessity merge in it, and render utterly superfluous, every special grant of power in that instrument. A power to provide for the general welfare, without restriction or limitation, is, in fact, a power to do whatever those who are invested with it choose to consider promotive of those objects. This is, in truth, the power *of a despotism*, and can have no place in a free government, the first principle of which is, that the powers delegated to rulers shall be distinctly and clearly defined and limited."

"At times this is so obvious that they are seen to possess the effrontery to endeavor to influence public opinion, by boldly affecting to hold up to scorn every measure

having for its object the correction of a wasteful misuse of the public resources, as unbecoming national dignity, as if it were possible that real national dignity and respectability could acknowledge any connection with profusion and extravagance."

For expressing such opinions, that executive was then rebuked by the worshippers of enlarged powers, as the same class of persons now taunt any principles or measures leading to reform, or any men who may advocate reform. Here, in the capital of the Union, it was sneeringly said, "The Hercules approaches who is to cleanse the Augean stable." (National Intelligencer, June, 1822.) The advocates of reform were then, as now, a theme of daily ridicule, and held up for the "slow unmoving finger of scorn to point at." But the Legislature of New Hampshire responded to the executive in an able report, and concluded with the following memorable resolutions, with scarcely a dissenting vote:

"1. *Resolved*, That, in the opinion of this House, the constitution of the United States has not vested in Congress the right to adopt and execute, at the national expense, a system of internal improvements.

"2. *Resolved*, That, in the opinion of this House, it is not essential so to amend the constitution of the United States as to give the power to Congress to make roads, bridges and canals."

She thus evinced, on this point, her democracy, and her jealous attachment to State rights; and this, not only by a decision against the enlarged powers being already reposed in the General Government, but declaring it "not essential" they should be placed there. She believed it dangerous to the welfare and independence of the States either to give these powers to the General Government by construction or express grant; and the former mode was only the more alarming, as it united usurpation and encroachment on State rights with the exercise of a power that she believed tended directly to a consolidation of the government.

Gentlemen may describe the exercise of such powers as beneficent and splendid, and picture a government with them as having all the "pomp, pride, and circumstance," of Russian or Assyrian greatness. The gentleman from Maine (Mr. HOLMES) may again, as in the Panama debate, paint his present martyr, then his "matchless spirit of the west," sighing for such a "gorgeous kingdom,"—"all the natives of this vast continent to be arrayed" together for "the great occasion,"—and the whole, "the magnificent scheme of the favorite, the genius, the master spirit of the west." (2d Reg. Deb., 270.) Others may reverse the picture, and describe a government without these powers as too much trammelled in its movements, as "palsied by the will of its constituents," as too "rigid in its expenditures," and certainly as too plain and republican in its institutions, for those who talk of their political "lord and master," in the person of their Presidents. But nothing seems clearer to me than that one is the only true government to preserve and perpetuate a mere confederacy of

independent and democratic sovereignties; and the other, by whatever name baptized, is a government tending to consolidation — to consolidation, not of the Union, but of all political *powers* in the Union. The difference does not consist so much in words as in things; not in professions, but in effects: the one tending to a republican confederation; the other, in the language of the Virginia resolutions, to a practical "monarchy."

The Virginia resolutions, page 13, say, further:

"Whether the exposition of the general phrases here combated would not, by degrees, consolidate the States into one sovereignty, is a question concerning which the committee can perceive little room for difference of opinion. To consolidate the States into one sovereignty, nothing more can be wanted than to supersede their respective sovereignties, in the cases reserved to them, by extending the sovereignty of the United States to all cases of the 'general welfare,' — that is to say, to *all cases whatever*."

Grant that a different opinion on this construction has now, and ever has had, from Hamilton, Ames, and the elder Adams, honest and able advocates; yet the tendencies of it, whether to consolidation and monarchy or not, have been, and are still, matter of fair argument and just criticism. In that view, and in the importance of this construction to the present mode of making donations of the public lands, and to a just judgment on the imputations cast on myself and my constituents, as having little claims to real democracy, I have attempted to vindicate my own notions, and those of my own State, without a detailed collection of the reasoning on the abstract question, and without any strictures on the motives of those who differ from me. A word more, and I dismiss this consideration.

Who is so blind as not to see, in the approaching condition of our government, on the extinguishment of the national debt, and with our present enormous duties retained, creating a vast surplus revenue of ten or fifteen millions of dollars,— who does not see a cause of new and most fearful apprehension to the States, if all that surplus, as well as all the public lands, can and shall be employed, under the General Government, in objects that government may think conducive to "the common good," or "general welfare"? Who does not see a door opened to favoritism and corruption, which may let in irretrievable ruin to sound political justice and equality, and overwhelm every vestige of State independence? Who does not see, — I care not in whose hands administered, — I say the same in a majority as when in a minority,— I say the same under this as under the last administration,— who does not see a power never contemplated at the formation of the constitution, and which can never be exercised, under our present political system, without tainting to the core both those who exercise and those who feel it? Do I say this because hostile to internal improvements? No! but because hostile to the degeneracy, if not the ruin, of our Confederacy; and because I would advance internal improvements at the expense of the States and individuals,

and not at the expense of the Union. I would do it the only way they can ever be advanced with safety and usefulness, according to the resolution of New Hampshire, before read, and in those cases only in which individuals and States can see their private and local interest to be so much promoted by these improvements as to warrant the undertakings by themselves.

Has it, then, come to this, under such a government, — that one of the parties cannot, in any way, interpose and correct its ruinous tendencies, and its insidious constructions, when the great exigencies of the country demand it? I think there has been more apparent than real difference on this point, in the present debate. Most must admit that they can interfere in some way. So said the fathers of democracy in '98, so said the Virginia and Kentucky resolutions, and so do those say whom I represent. They can interpose in various ways. My theory on this subject may vary more in form than substance from other gentlemen's; but, as each speaks for himself on this floor, I may be permitted to state briefly it is this: That the parties to the constitution are the agents of the people and the States placed in the General Government, on the one hand, and the agents of the people placed in their State Governments, on the other hand; and that the people, separated from all their agents, are only the great primary power and foundation of the whole, never acting as one whole upon or about the constitution, either legislatively, executively, or judicially; but acting on it in those forms, or any others, only by their agents in the States and in the General Government. Yet the people themselves are still a power behind the throne greater than the throne itself: and intrench yourselves as you may, to the teeth, in parchments and constructions, they, by their agents, in convention in the States, can abolish every institution, political or civil, of the Union, or of their respective States.

The parties, then, in collision as to the extent of the powers given by the constitution of the Union, are seldom the people with their agents of either class, and never so any length of time, without a sufficient redress; but the opposing parties are generally, on the one hand, the agents of the people and the States under that constitution, and, on the other hand, their agents under the State constitutions. I say the agents of the people and States in the General Government, as the States are technically represented here in the Senate, and may always technically and solely choose all the electors of the executive branch. The former agents, acting in the administration of the General Government, caused it, properly enough, in common parlance, to be called the General Government; and the latter agents, acting in the States, are called a State Government. The State Government is the government which is primary and indispensable. The people, as such, unless in a revolutionary condition, cannot cast a single vote, hold a single town-meeting, or lay out a rod of ordinary highway, except through State power and State agency. I shall not repeat what reasoning and illustration the gentlemen from Kentucky (Mr.

ROWAN) and South Carolina (Mr. HAYNE) have adduced, in proof of these views, but merely cite a clause in the Virginia resolutions of '98, to show that these views, whether right or wrong, were the views of the fathers of the democratic party; and if I err, I err with the Platos and Socrates' of my political faith. (Virg. Res., p. 8.)

"The other position involved in this branch of the resolution, namely, 'that the States are not parties to the constitution or compact,' is, in the judgment of the committee, equally free from objection. It is, indeed, true that the term 'States' is sometimes used in a vague sense, and sometimes in different senses, according to the subject to which it is applied. Thus, it sometimes means the separate sections occupied by the political societies within each; sometimes, the particular governments established by those societies; sometimes, those societies as organized into those particular governments; and lastly, it means the people composing those political societies, in their highest political sovereign capacity. Although it might be wished that the perfection of language admitted less diversity in the signification of the same words, yet little inconveniency is produced by it, where the true sense can be collected with certainty from the different applications. In the present instance, whatever different constructions of the term 'States,' in the resolution, may have been entertained, all will at least concur in that last mentioned; because, in that sense the constitution was submitted to the 'States,' in that sense the 'States' ratified it, and in that sense of the term 'States' they are consequently parties to the compact from which the powers of the Federal Government result."

The States, then, being one party, is it to be contended that still the other party, the General Government, may adopt any extended construction of the powers granted under the constitution, without any efficient right on the part of the States to murmur, remonstrate, alter, or resist? Certainly not, I should think, on either side of the debate. But how far can they go, and "where shall their proud waves be stayed"? The opinion of the Supreme Court of the United States, a tribunal appointed, organized, and accountable only to one party to the government and to the decision, is urged on us to be the great final balance-wheel of the whole machinery. But, if the States be another party to the compact, it is manifest that, on ordinary principles of compact, they have the same right as the opposite party, or its agents, to decide on the extent of the compact. This is conceded between two parties, in the case of treaties, and in the case of ordinary bargains and conventions; and it cannot be denied here, admitting we have shown the States to be one party, unless both the parties have expressly agreed upon some tribunal intermediate, as an umpire or judge, to decide irrevocably this kind of differences between the parties to the constitution. On the other hand, I understand it to be argued that the Supreme Court has been agreed on as such a tribunal. But the Supreme Court of the United States would not be likely to be so agreed on, reasoning *a priori;* because its members are all appointed by, and answerable to, only one of the parties; and, indeed, go to form a portion of one of the parties, being mere agents of the General Government. The amendments of the constitution, reserving rights and powers to the States or people, would be nugatory, a mere mockery, if the suicidal grant was made to the Supreme Court, to the

mere agents of one party, to decide finally and forever on the extent of all their own powers. The reasoning for this grant, therefore, appears to me *argumentum ad absurdum*, as clear as any axiom in Euclid. But on this head I am anxious not to be misapprehended, and am willing to resort to the words of the charter itself, to see what the legitimate powers of that court purport to be in deciding such controversies.

From the very fact of there being two parties in the Federal Government, it would seem a necessary inference that the agents of each party, on proper occasions, must be allowed, and are required by an official oath, to conform to the constitution, and to decide on the extent of its provisions, so far as is necessary for the expression of their own views, and for the performance of their own duties. This being, to my mind, the rationale of the case, I look on the express words of the constitution as conforming to it, by limiting the grant of judicial jurisdiction to the Supreme Court, both by the constitution and by the acts of Congress, to specific enumerated objects. In the same way there are limited grants of judicial jurisdiction to State courts, under most of the State constitutions. When cases present themselves within these grants, the judges, whether of the State or United States, must decide, and enforce their decision with such means as are confided to them by the laws and the constitutions. But, when questions arise not confided to the judiciary of the States or United States, the officers concerned in those questions must themselves decide them; and, in the end, must pursue such course as their views of the constitution dictate. In such instances they have the same authority to make this decision as the Supreme Court itself has in other instances.

Thus the Virginia resolutions, page 13, say:

"However true, therefore, it may be, that the judicial department is, in all questions submitted to it by the forms of the constitution, to decide in the last resort, this resort must necessarily be deemed the last in relation to the authorities of the other departments of the government; not in relation to the rights of the parties to the constitutional compact, from which the judicial, as well as the other departments, hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority delegating it; and the concurrence of this department with the others, in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very constitution which all were instituted to preserve."

Thus Mr. Jefferson says:

"They contain the true principles of the revolution of 1800: for that was as real a revolution in the principles of our government as that of 1776 was in its form, — not effected, indeed, by the sword, as that, but by the rational and peaceable instrument of reform, the suffrage of the people. The nation declared its will, by dismissing functionaries of one principle, and electing those of another, in the two branches, the executive and legislative, submitted to their election. Over the judiciary department the constitution had deprived them of their control. That, therefore, has continued the reprobated system; and although new matter has been occasionally incorporated into the old, yet the leaven of the old mass seems to assimilate to itself the new; and, after twenty years' confirmation of the federal system by the voice of the nation,

declared through the medium of elections, we find the judiciary, on every occasion, still driving us into consolidation.

"In denying the right they usurp, of exclusively explaining the constitution, I go further than you do, if I understand rightly your quotation, from the Federalist, of an opinion that 'the judiciary is the last resort, in relation *to the other departments* of the government, but not in relation to the rights of the parties to the compact under which the judiciary is derived.' If this opinion be sound, then, indeed, is our constitution a complete *felo-de-se*. For, intending to establish three departments, coördinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by, and independent of, the nation. For experience has already shown that the impeachment it has provided is not even a scare-crow; that such opinions as the one you combat, sent cautiously out, as you observe also, by detachment, — not belonging to the case often, but sought for out of it, as if to rally the public opinion beforehand to their views, and to indicate the line they are to walk in, — have been so quietly passed over as never to have excited animadversion, even in a speech of any one of the body intrusted with impeachment. The constitution, on this hypothesis, is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered, as an axiom of eternal truth, in politics, that whatever power, in any government, is independent, is absolute also; in theory only, at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law. My construction of the constitution is very different from that you quote. It is, that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the constitution in the cases submitted to its action, and especially where it is to act ultimately, and without appeal."

In confirmation of this, almost every eastern constitution authorizes the departments of the government, not judicial, to call on the judges for *aid and advice* merely, in questions of difficulty; still leaving those departments to act finally on their own matured information, and their own responsibility. But all the difficulty does not arise here. Suppose the State agents, judicial or otherwise, decide wrong in the opinion of the people, or the agents of the General Government decide wrong in the opinion of the people, on subjects admitted to be within their jurisdiction, — is there, first, no remedy for the people? Are they not supreme?

As I before remarked, the people, in their omnipotence, if the case excite them enough, can, and will, in such event, always apply a most sovereign remedy; — sometimes reach the disease by changing the agents who have misbehaved; at other times, when unable, by the tenure of office, as in case of the judges generally, to reach that class of agents by new elections, they can, by conventions, alter or abolish their whole system of government, and the whole course of decisions under them, and improve or create anew whatever may have been objectionable. This is a doctrine neither revolutionary nor leading to anarchy, but rational and democratic, and lies at the foundation of all popular governments. But granting this, the argument still holds that, though the people can effect a change, yet the States, one of the parties to the compact, cannot reach or correct what they may deem an erroneous decision, by the agents of the other party, on the powers given by the compact, and especially that they cannot reach or correct an

erroneous decision made by the Supreme Court of the Union. Again: it may be answered, reasoning *a priori*, that if this be true, it is deeply to be lamented, as the people seldom act unitedly or efficiently, except through their State agents — those agents who come so frequently and so directly from among the people themselves. If this be true, it is quite certain that the Supreme Court might, if so disposed, proceed, case by case, from year to year, on one subject and another, in this and that section of the Union, to give constructions to the constitution, tending slowly, but inevitably, to a consolidation of the government, and to the utter prostration of State rights; and yet the people, as a people, would not widely and at once become enough excited to interpose in their primary authority, and stay or correct such encroachments. If this be true, any Supreme Court, entertaining political views hostile to those of a majority of the people, would be able, in time, by cautious approaches, not exciting general and deep alarm, to defeat the majority, to render the reservations to the States and people a mere *brutum fulmen*, turn the doctrine of State rights into a jest, and ride triumphantly over all probable and feasible opposition.

There is wanting in me no respect to the members of our Supreme Court, which their great personal worth deserves; but I would inquire if, from the case of Marbury and Madison, in 1801, down to that of the Bank and McCulloch, in 1821, there has not been evinced on that bench a manifest and sleepless opposition, in all cases of a political bearing, to the strict construction of the constitution adopted by the democracy of the Union in the great revolution of 1800? I say nothing now against the honesty or legal correctness of their views, in adopting such a construction. I speak only of the matter of fact, and of its political tendency; and I ask if, while the people, through their democratic agents in the Legislatures of the State and General Governments, have been, in the main, adhering to one construction, — a strict and rigid construction, — if their judicial agents in the General Government have not been, with a constancy and silence like the approaches of death, adhering to a different construction; thus sliding onwards to consolidation, — thus giving a diseased enlargement to the powers of the General Government, and throwing chains over State rights — chains never dreamed of at the formation of the General Government? What says Mr. Jefferson on this head? (4 Jefferson's Works, p. 337.)

"But it is not from this branch of government we have most to fear. Taxes and short elections will keep them right. The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground, to undermine the foundations of our confederated fabric. They are construing our constitution, from a coördination of a general and special government, to a general and supreme one alone. This *will lay all things* at their feet; and they are too well versed in English law to forget the maxim, '*boni judicis est ampliare jurisdictionem.*'"

No institution, in this free country, is above just criticism and fair discussion, in regard to its political views, and the political consequences

of its proceedings. Hence, in the States and everywhere, the field of inquiry and comment is, and should be, open to all; and a sacredness from this would render any institution a despotism. What, then, let me ask,—what have been the illustrations of the bearing of the decisions of that court upon State rights, in particular cases? At one time, has not Georgia been prostrated by a decision, in a case feigned or real, between Fletcher and Peck? At another, Pennsylvania humbled, in the case of Olmstead's executors? At another, Ohio and Maryland subdued, in the case of McCulloch and the Bank? At another, New York herself set at defiance, in the steamboat controversy? And last, if not least, New Hampshire vanquished, in the case of Dartmouth College? These decisions may, or may not, have been legally right—that is not my present inquiry; but who is not struck with the difference between the progress and effect of these decisions, and what was witnessed in the earlier days of the republic? When Massachusetts, in the height of her glory, was threatened to be brought to the bar of that court for trial, she, in the person of Hancock, set on foot a remonstrance, and a proposed amendment of the constitution, which her great influence carried throughout the Union,—an amendment exempting a sovereign State there, in certain cases, from the humiliation of a trial and sentence. Even this amendment, so plausible on its face, has, since 1801, been almost wholly evaded in practice, by suing the agents of a State, instead of the State itself. So, again, before 1801, when Virginia, in her might and chivalry, took the field against the "alien and sedition laws," and against the decision of the Supreme Court on their constitutionality, an alteration of the constitution, to be sure, did not follow, but an alteration in the administration and the laws did follow: and she effected the political revolution which suffered those laws to expire without a renewal, and will probably prevent their reënactment until democracy itself shall have become a forgotten tale. I shall enumerate no other cases, nor detain the Senate by a moment's inquiry into the correctness of any of these decisions; though it may be observed that my own State, on an attempt to obtain her political approbation of the decisions in the cases of Ohio and Maryland, and on the principles therein involved, postponed indefinitely the resolution on that subject, by the following vote in one branch of her Legislature:

June 24th, 1821, the Senate voted, seven to five, to postpone indefinitely this, among others:

"*Resolved*, That, in the opinion of this Legislature, the proceedings in the Circuit Court of the United States for the District of Ohio, in the before-mentioned report stated, do not violate either the letter or the spirit of the 11th article of the amendments of the constitution of the United States, nor constitute any just cause of complaint."

The only time she ever expressed any opinion, as a State, hostile to my views concerning the powers of the General Government and its

judiciary, was in rejecting the Virginia resolutions, at an era in her politics when, having just cast her votes for the elder Adams, she might naturally be expected to be hostile to the democratic principles of those resolutions.

It will thus be seen how the powers of the General Government have been gradually brought, through one of its departments, to bear on the States; and how the decisions of that department have gradually tended to the dangerous enlargement of those powers. This subject has been adverted to, not for the purpose of questioning the constitutional competency of that court so to decide, when it thinks best, but to ask whether no way exists for the States, when opposed to the political bearing of those constructions,— when opposed to such a political operation of the constitution,— to check or control the influence of such a course of decisions: and if any way does not exist, whether the government is not likely soon to end in consolidation, and whether our future Presidents and Vice-presidents, without reference to any signs of the times about a new alliance, are not, as more than once intimated in this discussion, from the west and east (BARTON and HOLMES), to be lifted hereafter from that bench to preside over the new destinies of a consolidated government. My own answer to some of these inquiries is, firstly, that, by the States, as States, the erroneous decision of the legislative and executive departments of the General Government can generally be corrected by changing, in the State Legislatures and at the ballot-boxes, the agents here who made those decisions. This has been the ordinary remedy, in ordinary cases. Another class of decisions, and especially those by the judiciary, when the judges are not removable by the people, or the States, or Congress, as those of the Supreme Court are not, can be corrected sometimes by the States, as States, through public expressions of opinion in their Legislatures, acting by their intrinsic reasoning and force on the agents who made those decisions, and inducing them to revise and alter their doctrines in future. It would not be derogatory to any court, to listen to any expressions of opinion, and any arguments, such as those contained in the Virginia resolutions of 1798, in the resolutions of South Carolina on the tariff, or in the executive message, resolutions, and report, of the Legislature of New Hampshire, in 1822, on the constructive powers claimed for the General Government. When all these modes fail, another and decisive resort, on the part of the States, is to amendments of the constitution, by the safe and large majority of three-fourths. The acknowledged power of the States, by their resolutions and concert in this way, to effect any changes, limitations, or corrections, shows clearly that in them the real sovereignty between the two governments is placed by the constitution, and in them the final, paramount supremacy resides. They can alter *this* constitution, but we here cannot alter their constitutions. We, then, are the servants, and they the master. On the contrary, whatever others may hold, I do not hold that any certain redress beyond this, on the part of any State, can be

interposed against such decisions of the Supreme Court as are followed by legal process, unless that State resorts, successfully, to force against force, in conflict with the federal agents. It is admitted by me, however, that a State may resolve,—may express her convictions on the nullity or unconstitutionality of a law or decision of the General Government. These doings may work a change through public opinion, or lead to a coöperation of three-fourths of the sister States, to correct the errors by amendments of the constitution. But whenever the enforcement of the law or decision comes within the scope of the acknowledged jurisdiction of the Supreme Court, and can be accomplished by legal process, I see no way in which that court can be controlled, except by moral and intellectual appeals to the hearts and heads of her judges, or by amendments to the constitution, or by the deplorable and deprecated remedy of physical force. This latter resort I do not understand any gentleman here to approve, until all other resorts fail; and, even then, only in a case where the evil suffered is extreme and palpable, and, indeed, more intolerable and dangerous than the dissolution of the government itself.

Such was the doctrine of Jefferson and Madison. (Virg. Res., p. 18.)

"The resolution has accordingly guarded against any misapprehension of its object, by expressly requiring for such an interposition 'the case of a *deliberate, palpable*, and *dangerous*' breach of the constitution, by the exercise of *powers not granted* by it. It must be a case, not of a light and transient nature, but of a nature *dangerous* to the great purposes for which the constitution was established. It must be a case, moreover, not obscure or doubtful in its construction, but plain and *palpable*. Lastly: it must be a case not resulting from a partial consideration or hasty determination, but a case stamped with a final consideration and *deliberate* adherence."

Beyond their views I trust no member of this Confederacy will ever feel either the necessity or inclination to advance, and thus put in jeopardy that Union which we all profess so highly to prize. Most of the States, as States, in most of the exigencies that have arisen under the constitution, though all other efforts failed, have thought it better still to suffer —

"to bear the ills we have,
Than fly to others that we know not of."

How far the official authorized State acts under Pennsylvania, in the case of Olmstead, and the same authorized State acts in Massachusetts, in withholding the militia from the General Government,— and of Massachusetts, Connecticut, and Rhode Island, as States, assembling by their delegates in the Hartford Convention, in a time of war, and with such objects as the late chief magistrate imputed to them in 1828, and the present chief magistrate recognized in his letter to Mr. Monroe in 1816,— how far these were exceptions from their history to the obedience of the States, as States, to the laws and constitution, I see not now any pleasure, or profit, or necessity, in inquiring. Every

sovereign State who has decided, or who may decide, on forcible collision, decides for herself, though she manifestly does it under a high responsibility to her people and the Union; and, of course, must consent to be judged upon, however harshly, by public opinion, and be willing to abide on her course the decision made by the scrutiny of argument and time.

Having stated some of my deliberate views on the interest of the States in the public lands, and on the power of Congress in the disposal of them, and having attempted to fortify those views by my opinions on the just construction of the constitution, as regards the power of Congress to appropriate either land or money, I have next hastily adverted to the rights of the States and the people to control Congress and the Federal Judiciary, when disposed to place a construction on those powers not in accordance with the opinion of the States and the people.

Under these limitations of the constitution, as expounded by the State I represent, and by myself, I here profess, on this unpleasant controversy between parts of the west and the east, that I am willing to go, on all subjects connected with the public lands, into equal and useful reform, in our present system of either surveys or sales. But, I am frank to confess, I have uniformly voted against appropriations for general surveys for roads and canals, and against donations of land or money towards roads and canals, unless so far as our express contract requires, in relation to the Cumberland road and the extension of it; or, unless the roads were military, or situated in territories owned by the United States. Other gentlemen have doubtless done the same, for the same reasons, whether from the south or east; and it is a mistake evinced by our own records, to suppose that all, or even a majority of the east, have uniformly gone in favor of these objects. On other subjects, the case may be very different in respect to the vote of the east or the south, arising from local prejudices, or political opinions; but on that question enough has been said by other gentlemen, and enough shown by documents and records, to render further comment useless, and to throw some additional light and interest upon the political and party history of this country, the last fifty years. A further reason for refraining upon these subjects is, that the strictures made here, unfavorable to the east, concerning these subjects, have expressly, repeatedly, and from all quarters, excepted the democracy of the east; and hence I see no occasion for myself, as one of that democracy, to enter into that part of the discussion, for either inquiry or vindication. If any other political party than the democracy in the east has been attacked, and has felt aggrieved, — if the peace party in the late war has met with undue severity, — they, if not their associates, will speak for themselves. But this much I will add on the graduation bill of my friend from Missouri (Mr. Benton), and on his *good name:* I cannot agree with the gentleman from Maine (Mr. Holmes), that they have never come to the knowl-

edge of my constituents; but, on the contrary, however they may doubt the expediency of parts of that bill, they stand ready at all times, and on all occasions, so far as that democracy is represented by me, to pay due homage to the vigorous intellect of its author, and to his indefatigable and faithful services on this floor, not only to the west, but to the country at large, upon almost every great question agitated here since my personal acquaintance with this body. Whatever others in the east may profess, I do not contend that every western measure, whether for internal improvement or different objects, has been indebted for its success to eastern votes; and I appeal to no alliances, new or old, in confirmation or in consequence of it. Nor do I ask, like one of the gentlemen from Maine (Mr. SPRAGUE), one vote against the west to be judged by the motive and not its effects, another by its effects and not the motive,—one by the aid received of a minority from the east of the Hudson, and another by a minority north-east of the Potomac. I, for one, put forth no such claims or arguments, but frankly avow, though generally supporting the western measures before named, I have, in other cases, voted against the west, as I have against the south, the Middle States, and the east itself. But I have done it on principles of equal right, of general justice, and devotion to my official oath; and on no principles of peculiar favoritism to either, except as I might know better and love dearer the interests and welfare of my immediate constituents. However scoffed for *hearing New England blood called in question, and holding silence*, I claim no exemption from that frailty of predilection towards my native soil, which, if frailty it be, may be thought to *lean on virtue's side.*

> "Breathes there a man with soul so dead,
> Who never to himself hath said,
> This is my own, my native land?"

The examination which has accompanied this debate will not show, I believe, that the west has, in truth, been more benefited by different constitutional opinions than she would be by those of a strict and democratic character. All the political kindnesses which can be accorded to the west, on these last principles of construction, by such of the democracy of the east as entertain them, always have been, and, I am confident, always will be, granted with cheerfulness. Thus, for one, I have voted for improvement of her lake harbors and of her navigable rivers, because the power of imposing tonnage duties and imposts, by which such improvements can alone be generally accomplished, is expressly granted to Congress, coupled with the power *to regulate commerce;* for the relief of her actual settlers on the public lands, many of whom are hardy and honest emigrants from the east, who, flying from the blasts of misfortune there, have sought an asylum for all they hold dear in the bosom of the mighty west; for the extinguishment of Indian titles, because we too have once had

such savage neighbors, and often seen our dwellings in a blaze, and our wives and infants perish, under their bloody and barbarous warfare; for remunerations against Indian depredations, because those also our early settlers in the east endured frequently, and frequently beheld in a single night the total wreck, the smoking ruins, of years of honest and patient industry. Lastly, I have voted for military and territorial roads, and stand ready to vote for lowering the prices of the public lands. But, on some other questions, I have not gone, and cannot go, with the west, any more than they can always go with us. In fine, whenever, under constitutional limitations, I could confer a benefit on the new States, I have heretofore attempted, and will in future attempt it, as heartily as to confer one on Pennsylvania or South Carolina; but beyond those limitations I trust that no honorable statesman from beyond the mountains — and I know that none of the chivalry there who fought with the democracy of the east in the late war for free trade and sailors' rights — can, for a moment, wish me to go, or for a moment can question the sincerity of this avowal in their behalf, or the genuine devotion to the durable welfare of the west cherished by the democracy I represent. It has not been questioned, in this debate, by my friend on the right or the left (Mr. BENTON and Mr. HAYNE), but both have eloquently bestowed on that democracy the praises it richly deserved, and which praises tend to bless both the giver and receiver. That democracy has the ties, the sympathies, and the affections of the heart, arising from common sufferings and sacrifices, besides the political brotherhood of a common tongue, faith, and institutions, to bind them to the west with stronger ties than any temporary alliances, for purposes whether party or personal. Whether the same ties of the heart can exist between the west and the opponents of that democracy in the east, *the peace party in war*, who refused relief and succor to the bleeding west, it is for any representatives of those opponents to show. In fine, sir, if the government, on those principles of strict construction of the constitution, cannot be prosperously administered, it requires no spirit of prophecy to foresee, that, in a few brief years, in a new crisis approaching, and before indicated, it must, as a confederation, probably cease to be administered at all. It will, in my judgment, become a government of usurped, alarming, undefined powers; and the sacred rights of the States will become overshadowed in *total eclipse*. When that catastrophe more nearly approaches, unless the great parties to the government shall arouse and in some way interfere and rescue it from consolidation, it will follow, as *darkness does the day*, that the government ends like all republics of olden times, either in anarchy or despotism.

On some accounts, sir, it would give me most unfeigned pleasure, could I close my remarks here. But, for an adherence to what I consider democratic doctrines, on these and other points of controversy, and for an adherence to such men, wherever resident, as practise those

doctrines through evil and through good report, it has been the lot of a class of people in the east, for the last third of a century, to be stigmatized by all the opprobrious epithets and insinuations which, in different stages of this debate, have been accumulated on such of them as support the present administration.

On one hand here, these last have been alluded to as if mere worshippers of a rising sun, and for that manufactured into *democrats dyed in the wool, from the very doors of the Hartford Convention.* On another hand, jeered as if democratic only for the adherence to southern men, and taunted as being small in number and diminutive in importance. On another hand, stigmatized as Judases and apostates from the true New England faith; and, in fine, loudly denounced, in common with all the supporters of the present administration, as a heterogeneous mass of renegadoes from all parties, with no common bond of principle or feeling, and doomed soon to become an easy conquest to the courteous and the modest opponents of what is called *this cruel administration.* Though one of the supporters of this administration, still, Mr. President, nothing short of a strong sense of peculiar duty on this occasion could have compelled me to take any part in answering such angry criminations. They seem only the escape of the steam from a high-pressure engine, fitted for an eight years' voyage; but the vessel having unexpectedly been compelled to stop its wheels at the end of four years, thus lets off its heated vapor in the midst of its career. I consider the debate, however, in this respect, if in no other, as somewhat fortunate, since it may prevent any injury by the bursting of the boilers. But, sir, averse as I am to party bitterness, — and the whole Senate can bear me witness that, unless in self-defence, I never make either sectional, party, or personal imputations, — and little regardful as I am of abuse, when heaped only on myself, — for I have long since learned to let my life, rather than my language, answer personal slander, — yet I stand in such a relation to those friends of this administration, in my own State, as to render it unmanly and dishonorable to permit any imputations on them, from however high sources, to pass unnoticed. Much less will I permit them so to pass, when showered upon us chiefly, not by the south, or the west, or the Middle States, but by persons some of whom claim to be the only *lineal sons of the east* itself, and the real *Simon Pures* of all that is democratic, and all that is New England; persons, also, who vauntingly march to the attack here, with eleven thence against the administration to one in its favor, willing to repel the aggression, and sustain the cause of its eastern supporters. But this, I suppose, is another specimen of that magnanimity and true greatness which, when in a minority, always talks of lifting *its quadrant to the sun*, and of forgetting and forgiving *by-gone strifes*, by-gone parties, by-gone oppositions; but which, in a majority, directs its vision and its wrath to the smallest light that twinkles. Let me ask, then, *more in sorrow than in anger*, why are these aggressions

made on us, Mr. President? Have any provocations been given for an attack by eastern men on that part of the democracy of the east which supports the present administration? Had a syllable been uttered here, by any of that democracy, against any of their former brethren, whether or not intimating they were now in other ranks, or in other alliances? Had aught been said from the east reproaching any of them as Swiss troops, coming from or going to the peace party in war? On the contrary, not only the eastern friends of this administration, but the whole democratic party in the east, whether opposers or supporters of this administration, had been studiously, in the whole charge, excepted from any censure flung by any gentleman on the east itself, or on the excesses of its federalism, during the late war. Thus my friend on the left (Mr. BENTON) explicitly said, he flung no reproach or complaint on the eastern democracy; and we have the printed as well as spoken declarations of my friend on the right (Mr. HAYNE) to the same effect, and in a strain of the highest, if not most merited eulogy. He said:

"God forbid, sir, that he should charge the people of Massachusetts with participating in these sentiments. The south and the west had then their friends, — men who stood by their country, though encompassed all around by their enemies: the senator from Massachusetts (Mr. SILSBEE) was one of them; the senator from Connecticut (Mr. FOOT) was another; and there were others now on this floor. The sentiments I have read were the sentiments of *a party*, embracing the political associates of the gentleman from Massachusetts (Mr. WEBSTER)."

Again: to exempt, with specific certainty, the democratic party at large, as well as the people of Massachusetts not in concert with the peace party, he (Mr. HAYNE) said:

"Mr. President: I wish it to be distinctly understood, that all the remarks I have made on this subject are intended to be exclusively applied to *a party*, which I have described as the 'Peace party of New England,' embracing the political associates of the senator from Massachusetts,— a party which controlled the operations of that State during the embargo and war, and who are justly chargeable with all the measures I have justly reprobated. Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady habits, and hardy virtues, I trust I entertain a becoming respect. I fully subscribe to the truth of the description (given before the Revolution, by one whose praise is the highest eulogy), 'that the *perseverance* of Holland, the *activity* of France, and the *dexterous* and *firm sagacity* of English enterprise,' have been more than equalled by this 'recent people.' Hardy, enterprising, sagacious, industrious and moral, the people of New England, of the present day, are worthy of their ancestors. Still less, Mr. President, has it been my intention to say anything that could be construed into a want of respect for that party, who, trampling on all narrow, sectional feelings, have been true to their principles in the worst of times,— I mean the democracy of New England. Sir, I will declare that, highly as I appreciate the democracy of the south, I consider even higher praise to be due to the democracy of New England, who have maintained their principles 'through good and through evil report,' — who, at every period of our national history, have stood up manfully for 'their country, their whole country, and nothing but their country.' In the great political revolution of '98, they were found united with the democracy of the south, marching under the banner of the constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, sir, in the darkest and gloomiest period of the war, when our country stood single-

handed against 'the conqueror of the conquerors of the world,' — when all about and around them was dark and dreary, disastrous and discouraging,— they stood, *a Spartan band*, in that narrow pass where the honor of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they always have been found, sir, struggling side by side with their brethren of the south and the west for popular rights, and assisting in that glorious triumph by which the man of the people was elevated to the highest office in their gift."

Thus has he so ably and eloquently poured upon our democracy every commendation they deserve, and for which he is entitled to most grateful thanks, both from them and myself; and thus the naked truth puts to rest the attempts since made to pervert his remarks into a sectional attack on the *whole east*, and to excite improper and unfounded prejudice against the south and west, as if they had put "*the whole east to the ban of the empire.*"

But, in truth, the sectional attempts to inflame public sentiment will appear to have come from the east itself, if not from some of that party there which alone was censured; and the injunctions of Washington against such sectional appeals, which have been read us, might well furnish admonitions against the course pursued by those on my right, who have read them (Mr. NOBLE and Mr. HOLMES).

"One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from those misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection." — 5 *Marshall's Wash.*, 300.

With a charge, then, against only the leaders of the peace party in war, what have we seen in reply? Not an avowed defence of that party which alone was assailed, and which, by its representation here, commenced the assault on my friend upon the right, by taunts against the south; but we have invocations to forgetfulness, we have protestations and disclaimers. Not the lions of democracy rousing when not attacked; but the real game pursued rousing as it feels the huntsman in the chase, and seeking to infuse alarm into all within its influence, and all starting aside, from anger or mortification, that the democracy was not also attacked, to fasten upon our throats, with all the bitterness of our most virulent defamers, for the last third of a century.

I cherish, sir, quite too much self-respect, and too great personal regard for that portion of the federalism of this Union which has been honest, consistent and faithful to the country, however much we may differ in our political views, ever to cast on any of its number personal or party strictures, beyond what is necessarily involved in settling historical facts, and in defence of myself and my constituents. But I shall endeavor, with all the decorum so exciting a subject permits, to show, if God spares me strength, that the imputations before enumerated, come whence they may, are the worst kind of revilings,

from a very ancient school of politics in the east; and that they are just as unfounded now, as the atrocious slanders were, which have been uttered by heated partisans against this same democracy, in every great political struggle for the last thirty years. It matters not who utters them, — whether some of the authors have always claimed to support republicanism, as opposed to federalism, or some have never so claimed, — or whether some of them, during the whole administration of the writer of the Declaration of Independence, marched together, shoulder to shoulder, in opposition to that administration, as they now march in opposition to this, or not. But the scoffs themselves have internal evidence of their character, which no professions can rebut; they smell of a lamp, they spring from a school, not to be mistaken. Whoever unites in these scoffs cannot complain, if judged by the maxim, *noscitur a sociis.* They are the old lessons of an old school. The stain and brand can no more be torn off, than Hercules could tear off the poisoned robe of Nessus.

Under the lead, then, which all have witnessed, that part of the democracy of the east friendly to the present administration have first been kindly reminded that they are a new manufacture; and next, that their democracy chiefly consists in their adherence to southern men and southern measures. How novel and how true are these taunts, will be seen in a moment, by "setting history right."

Had gentlemen forgotten that the seeds of division were sown in the east early as 1791, and that whoever then rose above sectional views, and pursued an independent and democratic course on public measures, was jeered at by some, in the language once applied to Hancock, — he "is with the Yorkers and Southern bashaws"? Repeated from the same quarter in 1798, against the intrepid Langdon, — that he was "a slave, an apostate to the south;" because he was averse to the principles and policy of the then administration, and rose against it, and above sectional clamor and Massachusetts dictation, supposing that New Hampshire "was, and of right ought to be," as independent of her, as of Georgia or Kentucky, and that any other course by her delegates here would indeed be apostasy, — degrading apostasy from democratic principles, and all those holy and inspiring sentiments of pride and patriotism which ought to govern a free and sovereign State, and any delegates worthy of a free and sovereign State. Echoed again, in 1808, against the last President, when professing democracy, and moulded into every variety of bitterness, — and, peradventure, from some of the same lips now repeating the sarcasms against us, — that he was seduced by the south, and was a *Judas and traitor to New England,* because he denounced what he called "narrow" and "sectional" schemes in the east, tending to disunion and treason. Reëchoed, in 1812, against one of your distinguished predecessors in that chair, the revolutionary veteran Gerry, and many others in favor of that war, by stigmatizing them as "white slaves of the south;" because, in a crisis of great perplexity and peril, they stood by their brethren

of the south, the Middle States, and the west, in attempts to vindicate our country's rights, and "pluck up drowning honor by the locks," rather than standing by the mere leaders of a party in the east, who cried out then, as now, that *the whole of New England was put to the ban of the empire.*

Few can be ignorant how often, within the last four years, the same kind of taunts has been reiterated against all those who, in the late presidential canvass at the east, supported the present executive. Coming this very morning, and in my hand, in a paper now under the banner of *National Republicanism*, but during that war under the five-striped flag, is the very repetition, for the ten-thousandth time, of one of these same groundless scoffs:

"If New Hampshire chooses to send Representatives who can thus desert the best interests of their constituents, and become *the white slaves of the South*, she must blame herself."

The ear-mark of this attack on a part of my constituents is, therefore, too large and long, not to show at once its true origin and character, and to prove anew how much easier it is *to alter names than things.*

The inconsistency of these sneers, from such quarters, will also be apparent, when we set our history right, by finding that these same authors of them have voted for southern candidates nearly if not quite as often as the democrats, and always when their party success could be promoted by it; because, omitting 1789 and 1793, when all united for a southern man, they appear to have voted for one as President in 1804, 1808, 1816, and 1820.

The smallness of the number, and the diminutive importance, of the supporters of this administration in the east, constitute another magnanimous taunt from the same source, against the genuineness of their democracy; as if, when *history is set right*, the present executive did not obtain more votes in New England than did Mr. Jefferson in 1800, and, with the exception of one State, more than Mr. Madison did in 1812. We are accustomed, in the east, sir, to new trials for correcting mistakes. New Hampshire, as a State, since the late election, has already changed her delegation in the other House, so as to be entirely in favor of this administration. And has not Maine herself, beside an electoral vote for it, sent an equal number there in its support? On this, I think, her democrats have some little claim to respect, in point of numbers, however charged with apostasy; and I may be pardoned in the *guess*, that, *from the signs of the times* there, they will at least *try* to show a majority in favor of this administration, sooner than the present delegation from Maine here shall succeed in obtaining *all* the Maine and Massachusetts claims for the misconduct of their peace party in the late war.

The resemblance between the political character of the opposition and administration parties in 1798, 1812, and 1828, would seem to

give us some further title to old-fashioned democracy. The same democratic States, with one or two exceptions only, are found at each era, side by side, in favor of Jefferson, Madison, and the hero of Orleans. On one side, Virginia and Pennsylvania, Carolina and Georgia, Tennessee and Kentucky; — on the other, Delaware and Massachusetts, Connecticut, and divided Maryland. The same distinguished statesmen of the first era, who survive, and who were honored by every species of abuse, from the most malignant of their enemies, — those republican statesmen of 1798, the Livingstons, the Macons, the Smiths, the Randolphs, and the Gileses, — are again found acting and stigmatized with the humble democrats of the east, who support the present administration. Yes, sir, when that gentleman (Mr. LIVINGSTON), little more than a year since, — not in old "by-gone days" of virulence, — was defeated in an election to the other House, one of the first *papers* at the "head-quarters of good principles" that hoisted the new banner of *National Republicanism* exulted that he "was consigned to the tomb of all the Capulets;" and further added, "When we recollect that Mr. Livingston is an old sinner, and that we are inflicting punishment for the back-sliding of thirty years, we may safely say he falls unwept, unhonored."

Little did they then expect his Antæan vigor, in rising from that fall, would so soon restore him to the councils of his country, as the representative of a sovereign State, rather than of a single district. And little did they heed, as in "by-gone days," the base injustice they were perpetrating towards one, of whom it is no flattery to say, he is as a civilian, no less than a politician, an ornament both to that State and his country, if not to our race. Accessions have, of course, been made from other ranks, to swell the increased majority of 1828 over those of 1800 and 1812; but they have been, I trust, accessions of principle, and not of *bargain;* and if such accessions, then they will endure, flourish and bear good fruit, long as the original stock upon which they have been engrafted. But if they have not been from principle, who regrets how soon they may be severed from the stock?

Whether the same doctrines, in the main, are also not now advocated by us and by the opposition, as were advocated by the administration of 1801 and by its opposition, is of too common notoriety, and has been too fully shown, in the progress of this debate, to need much further illustration. On the part of the administration, abused as it has been, — or, at least, on the part of its supporters in the east, whose claims to democracy have been so modestly challenged, — I venture with frankness to assert, that there is, in general, the same adherence to a strict construction of the constitution, and to the reserved rights and sovereignties of the States, as under Jefferson; the same acquiescence in instructions by State Legislatures; the same desire for reform and economy; the same abhorrence of implied and doubtful powers, whether over the press, the deliberations of this body, or the industry

and free trade of the country. On the contrary, on the part of the opposition, there are, and have been, the same scoffs at reform and economy; the same denial of the right of instruction in the States to their senators; the same struggle for enlarged constructions of the constitution; a refusal "to be palsied by the will of our constituents;" implied powers carried to the greatest extent, in assuming to accept, in the recess, invitations to Panama, and in claiming the right, in that recess, without the consent of the Senate, to appoint ministers on such an expensive and hazardous mission; and, finally, certain movements of a "*specific*" character, bearing on the press, not quite in coincidence with a bill introduced here, the same day, by my friend from New Jersey (Mr. DICKERSON), to refund a fine collected under the sedition law of 1798.

This attitude of a party now in a majority, disclaiming implied and enlarged powers in the legislative as well as the executive branches, is a most cheering *sign of the times* for the safety of our liberties, and is an attitude worthy imitation in all governments, especially by all republican magistrates, in all future times. I say nothing against the past administration as men, for some of them possess my entire respect; but I am speaking of some of the political measures they, or their friends, have proposed and approved. If any part of the democracy of the east, friendly to this administration, were once in favor of the late chief magistrate, and sincerely intended to support his administration, because, as they believed, he had become united with that democracy and inclined to enforce its principles, — and many of them honestly did so intend and believe; — if any of them, in "by-gone years," vindicated him against attacks from the same political school whence we ourselves are now assailed, and, like the present President, in the letters here cited against him, to Mr. Monroe, did think well of the talents and patriotism of that chief magistrate, the world will see, *when the history of the east is set right*, where, and on what side, has been any change of principle.

They will see whether the *treachery and apostasy* so often insinuated here and elsewhere, and formerly applied by the same political school, in the same way, to that very chief magistrate, do not now, if applicable at all, if courteous and just to anybody, more properly apply to the course of that magistrate, and of his administration, than to those democrats in the east who continued faithfully to cling to the platform of democratic principles. What verdict, on this point, have all the democratic States in the Union, standing together in 1798, 1812, and in 1828, almost unanimously returned? Is it not that the past administration, in many respects, departed from the principles of democracy? And what verdict has New Hampshire herself, within the last year, returned: — that those who were sent hither by democratic votes, and to defend democratic principles, and who abided by those principles, to the hazard of both popularity and office, — that they were faithful among the faithless, and their course to be approved? or that

the desertion, if it existed at all, was on the side of that part of her delegation in the other House, who, for adhering to all men and measures indiscriminately of that administration, have been permitted to retire to private life?

One only of that delegation — a man whose stern democracy never quailed or bent to any fellow-man — has, for that, been borne back here triumphantly by the suffrages of the people; proving again, what is and always should be a proud excellence in a free government, that, however the waves of faction or sectional prejudice may, for a time, dash against a consistent and faithful representative,

> "An *honest* man is still an unmoved rock,
> Washed whiter, but not shaken, by the shock."

Gentlemen know but little of that democracy, if they suppose their object is to go themselves, or to have their representatives go, for mere men rather than measures; that they are slaves enough, or ever have been, or ever will be, to bend the servile knee to any "*lord or master*" but the supreme Lord of all; or to acknowledge any such in office as intimated, except their constituents and their State. You do them foul injustice and reproach, if you believe that democracy has not the justice and patriotism to uphold those who uphold their country; and if ever misled, for a time, by local prejudice or personal regard, that they will ever long go for men, unless those men go for their cause,— ever long go for any slavish and monarchical doctrine of unlimited devotion to particular individuals, or particular dynasties. These principles, I am proud and thankful for the opportunity to say, in behalf of my faithful constituents,—whose attachment, when I forget, may my God forget me!—these principles belong to that part of the New Hampshire democracy which supports this calumniated administration. But whether they are the principles of that kind of *National Republicanism*, in Maine and Massachusetts, which opposes this administration, the world has enjoyed an opportunity of judging in the course of this debate.

The country will thus be able to set right the history of the east in the late presidential canvass; and I repeat, that it is only in self-defence, and in vindication of a large portion of my constituents and myself, thus attacked on this floor, for their want of real democracy, in supporting the present administration, that I could have overcome my repugnance, in this assembly, to make any allusions to those fierce party struggles that have so often raged among the modern Spartans and Athenians of the rocky east.

My mind is recalled to one other direction given, in this debate, to the history, merits, and glories of the east, entirely at war with the real worth of that democracy.

Yielding, as I cheerfully do, and always shall, due praise to political opponents, yet I can never consent that all the excellences and applause bestowed on the east by gentlemen from that or other regions,

shall at once be assumed and appropriated, as if exclusively belonging to the opponents of that vilified democracy,—*to the peace party in war*. Thus we see that, when nobody has been attacked from any other quarter except those opponents, every change of eulogy has been rung in reply, as if the eulogy was all deserved, all won, and all to be monopolized, by only those who were attacked,— by only those opponents. Little did my friend from South Carolina (Mr. HAYNE) think his prophecy would so soon be apparently verified, when he spoke of what might be done by some future biographer of one of the members of the Hartford Convention. "I doubt not," said he, "it will be found quite easy to prove that the peace party in Massachusetts were the only defenders of their country during the war, and actually achieved our victories by land and sea." Have gentlemen not been pursuing here a constant course of argument tending, in fact, whatever may have been the intent, to something very like a confirmation of this prediction?

Thus, when members of the Hartford Convention are assailed, there is, in reply, a flourish of trumpet after trumpet in defence of those who stood by the country, and who, in fact, resisted that convention, and denounced, as loudly as has been denounced here, its leaders and its doctrines,— thus creating an impression that that convention stood by their country, or that those who resisted that convention had been assailed. Is this course of reply one of the means referred to by Washington for converting any party charge or excitement into a sectional shape? Thus, again, if schemes for disunion, and *for a northern confederacy*, are charged home upon the leaders of a party in the east, before the Hartford Convention, and before the embargo, on the authority of assertions by the late President, cited by the gentlemen on my right and left, then we have, in reply, eulogies on eastern bravery and fidelity, as if belonging exclusively to those implicated in the above schemes. Some doubts, to be sure, on the constitutionality of purchasing Louisiana, and some charges of corruption in purchasing it, are reïntimated, perhaps from the same quarter that repeated those charges twenty years since, and which have been so fully proved to be groundless, from the recent account of that purchase by the Abbé Marbois; and, in conclusion, we have again the sectional attempt to make the whole east believe, when the peace party in the east was alone assailed, that the whole east has now, in this hall, *been put to the ban of the empire.*

As a further specimen, the Senate, in answer to charges against the patriotism of the peace party in the late war, have again and again been invited to look at the glories of Bunker Hill, and Bennington, and Saratoga, and Monmouth,—as if these glories had been denied or attacked; and, provided they had, as if the democracy of the east, which supported the late war, and those of them which support the present administration, had no part or lot in those sanguinary conflicts. As if the gallant Pierce, who now presides over my native State, and

the brave Stark, of the same neighborhood, who fought by the side of his immortal father, so singularly eulogized in this very debate,—as if the intrepid Hall, who trod in blood on the deck of the Ranger, as lieutenant to Paul Jones,—all were not now living monuments, in New Hampshire, of the part which some of the distinguished survivors of the Revolution take among the democracy of the east, in rallying round the present executive of the Union. If you turn there to the whole muster-roll of the survivors in that contest, you will find the proportion of them as large, entertaining the same political views with their heroic officers. The peace party in the Revolution—*for there was also a peace party in that war*—might, with just as much propriety, claim all the honor of the victories of the Revolution. Just as well as the peace party of the last war, might they seek to engross all the credit of those victories from that part of the democracy of the east who survived to mingle in the political contest in favor of either Mr. Jefferson's, Mr. Madison's, or the present administration. So, again, from the same quarter, in answer to censures bestowed only on the peace party in the east, we are invited to gaze on the brilliant achievements of the bloody 9th, the 21st, and 11th regiments, in 1814; and in exultation against those attacking only what the gentleman from Maine (Mr. HOLMES) then pronounced "*treasonable*" opposition to that war, we are informed of the prowess, chivalry, and descent from New England loins, of those who, in fact, put all in jeopardy to support that war.

Did it never occur to gentlemen that history would be set right, and that those regiments and their brave officers—their Ripleys, their Millers, their McNeils, and their Weekses—all these last natives of the scoffed New Hampshire—would be known to have sprung chiefly from the democracy of the east? and that all of these before-named officers, with perhaps a single exception, are decided supporters of this abused administration?

On the contrary, lofty as were the principles and deeds of all the whigs of the Revolution in the east, yet, on all hands, it must be confessed that, during the late war, the patriotism of the leaders of a party there took a most unfortunate direction. While those taunted heroes of those brave regiments,—taunted then, as most of them now are, with being *slaves to the south, and apostates from New England principles*,—while they, I say, were flying to the then derided flag of our Union, and were pouring out their blood at Bridgewater and Chippewa in defence of their country's rights, the leaders of the "peace party in war" were seen flying to far different scenes at Hartford, and pouring out from their pulpits, presses, and legislative assemblies, anathemas against the administration, the war, and all their supporters. Sorry I am to say it, sir, except to "put history right" in our defence,—not the mere maniacs of the party, as intimated by the gentleman on my left (Mr. SPRAGUE), were engaged in this unfortunate display of this new species of patriotism. But, with the leaders in their pulpit services and opinions, were found some, at least, of their confiding con-

gregations. With the delegates of three sovereign States, and parts of two others, at Hartford, were found, in principle, some constituents to elect them. With eloquent representatives and senators here, were found to support them, at home at least, a party, a whole party, and nothing but a party. On this occasion what I say is not to be misunderstood, however much it may be misrepresented. When, in self-defence, I allude to a certain party and its acts in the east, about the period of that war, far be it from me to include all of them, or of those, in other quarters of the Union, who had borne the same party name.

It is well known, in the history of this country, that, having lived under a limited monarchy till the Revolution, not only then, but in the formation of our State and general constitutions, some honest diversity of opinion existed as to the extent and limits of power safely to be intrusted in the hands of the people's agents. Without dwelling on the titles which should be given to the one side for asking large power and much confidence in office-holders, and to the other for granting only small power and limited confidence, it is sufficient to notice that this division, coupled with other matter, from time to time, connected and incidental, separated the whole country into opposing parties,— parties, too, which, not then being chiefly sectional, were useful, rather than injurious, in rousing vigilance, and in preserving unimpaired the reserved powers of the people and the States. But, as some more exciting and more local topics of difference occurred,— an eastern chief magistrate being removed from office, under complaints and remonstrances as doleful and violent as any heard here on account of more recent removals, and his place being supplied by a southern successor, and a vast addition being soon made, under that successor, to our southern territory, and expected also to be made thereby to any peculiar southern influence which might prevail in the administration of our government,— these general parties, so far as respected one of them, gradually assumed almost an entire sectional character; and, contrary to the injunctions of Washington, so often urged on our consideration in this debate, its leaders began to drag into the controversy every sectional interest and prejudice that nestle closest round the heart of erring man.

The attempts, which two of the distinguished members of that party have recently averred were soon after made, for separating the Union, had a poor apology in any belief that the purchase of Louisiana was unconstitutional, as one of their *then* number, now on this floor, seems still to hold; and must have been, from the account of those members, of a mere rash and sectional character; and, I have no doubt, met with no approbation among many of the honest disciples of that party, even in the east, or among few, if any of them, south of the Hudson. These last had no motives to cherish such local and pernicious views. The embargo, non-intercourse, and war, which soon and successively followed, pressed with extreme severity on the Eastern States, and gave the leaders of the party, having thus become separated, by sectional

views, from their brethren elsewhere, an opportunity to appeal still more strongly to sectional prejudices, and to renew, or begin for the first time, as the truth may be, a course of opposition to the General Government, violent in language, disorganizing in measures, and, whether aiming or not at a northern confederacy, certainly ending in the Hartford Convention. A course of opposition which, to say the least, was anything but *practising the lessons of Washington*, anything but real *national republicanism*, anything but *respect for the constituted authorities*, anything but *eulogy on the great minds* and patriotic hearts then sent to cheer and to bless us in the prosecution of that glorious war,—anything but devotion to *our country, our whole country, and nothing but our country.* Whoever took the lead then, in that course of opposition, in or out of Congress,—whoever is attacked by the south or the west for taking such lead,—I, for one, protest that the whole east, as a section, is not to be involved in the defence; and that its democracy, so far as represented by me, has neither been implicated in the attack, nor seen any occasion for angry retort. The whole controversy, so far as regards my friend to the right (Mr. HAYNE), has been shown, by a reference to his remarks, to have arisen from strictures by him solely on the peace party in the late war, and the violent movements of its leaders in that course of opposition; leaders and movements then officially, and as strongly as here now, denounced by a large minority in the east itself, as having been "*exclusively British*," and by which leaders and movements the late executive has publicly repeated that a *separation of the Union was openly stimulated.* Thus will it be seen how different a character this course of opposition, both before and during the war, had given to that party in the east, in respect to its attachment to the Union, and its patriotism at large, from what justly belonged to the same nominal party elsewhere. It is by setting history right, in this way, that proper discriminations can be made between nominal federalists in and out of the east, and even between those in the east itself who led, and those who were misled or betrayed, by sectional violence.

If gentlemen please, I, for one, have so little party bitterness, on merely old party grounds, as to be willing to go, in meeting their invitations to forgetfulness of *by-gone* acrimony and party feuds, more than half way, and to take the epoch of the late war as the period of amnesty, beyond which, like the era of Richard I. for other purposes, the memory of man runneth not about parties, except as connected with historical facts and constitutional principles bearing on the present administration of the State and the General Governments. But I never can go for any abandonment or compromise of those principles.

Still another concession will I make, in justice to the yeomanry of the east, many of whom, in the late war, were deluded into opposition by what Mr. Jefferson called "the Marats, the Dantons, and Robespierres, of Massachusetts." (4 Jefferson's Notes, 210.)

The same sectional attempts were, by that class of leaders, then brought to bear on their honest hearts and warm heads, which were made to bear on them in the late canvass, and are now continued, with a view to prejudice them against the south, and to seduce them into a belief that the whole of New England is proscribed, and that the real interests of the two regions are hostile, rather than united as closely as the interests and inclinations of married life. Is it strange, then, that the large mass, even of the peace party, should thus have been misled for a time, by those leaders, clerical or political, in whom they had been accustomed to place implicit confidence? And that they should fallaciously appear, as if with deliberation, giving sanction to those violent party acts, instigated by the mere leaders? — such as official refusals, when our hearths and altars were invaded, to place the militia under the officers of the Union for defence; such as legislative exhortations against loans and enlistments; public votes and speeches in Congress against raising additional troops for protection; motions here, at one time, to impeach Mr. Jefferson, and threats, at another, that Mr. Madison *deserved a halter*. Yet, with a similar lead to what then led, we are told, again and again, in defence to attacks on this violent course of opposition, about New England patriotism, and New England respect for order and regular government,—as if these virtues belonged to those alone who required a defence, and as if that class of politicians possessed all, effected all, and were *all in all!* As if, for a moment's illustration, the soldier's bones that moulder on our Niagara frontier were those of patriotic volunteers from the Massachusetts remonstrants, whom the gentleman on my right then fearlessly charged with *taking the enemy's ground, supporting his claims, and justifying his aggressions;* as if the saving loans in aid of that glorious struggle came from those who pronounced the struggle *unjust and murderous;* and as if our sailors, who "pulled down the flag of the Guerriere and Peacock," were those who deemed it *immoral and irreligious to rejoice at our naval victories!* Not such as the last,—not such aid, nor such defenders,—did that crisis need.

Non tali auxilio nec defensoribus istis
Tempus eget.

Far be it from me to utter or feel a single sentiment of unkindness to one individual who did not participate in those measures of opposition; and much less to any one who did participate, from honest convictions they were right, and who still has the frankness and magnanimity to avow it, and to award full justice to the abused democracy of the east. Such thought and acted for themselves like freemen, and disdain to shrink from their responsibility for it. But that those of the democracy of the east, friendly to the present administration, and who bore a full share in all the perils, sufferings, and glories, of that war, should now be sneered at, as witnessed here, is what none, who sin-

cerely sympathized with them in that conflict, and have partaken with them in fidelity to principle since, could be guilty of without *blushing blood*, or could in others listen to without indignation and abhorrence. It is, then, I trust, distinctly understood, that I have cast no strictures on federalists, even in the east, except those who, after war was declared, still opposed their own government and its measures; and, according to Governor Eustis, thus *occasioned double sacrifice of life and treasure, while the citizens of other States were exercising their utmost energies against the common enemy.* Even many of those I would censure only as misguided and unfortunate politicians,—men who, from sectional clamor, were made to believe that the *whole east was put to the ban of the empire*,—who trusted too far to the groundless assertions by those who have been here called [by Mr. SPRAGUE] the *bedlamites of the party.* Thus it happened, undoubtedly, that so many grave legislators, holy priests at the altar, and other seigniors of the land, both in public and in private life, were deluded to join in that violent opposition.

This alone can account for the Hartford Convention, as a solemn, deliberate, and official act, by the Legislatures of three sovereign States, and by primary meetings in the federal portions of two others, at a moment when the foreign enemy had his foot planted on our sacred soil, and when, with a different commander in the eastern department, some of its members might, we are told, have had a different trial from what has yet been held on them. For withholding the militia from the General Government, as another official act in which the judiciary and executive ceremoniously united, and which has since been justly denounced, by one of their own executives, as *withholding from the government the constitutional means of defence.* For the exhortations against enlistments, against joining the stars and stripes of their country, over which we have had such eloquent eulogies, as another of those cold-blooded official acts, instigated by Hotspur leaders. The Massachusetts Legislature, in June, 1812, say, "If your sons must be torn from you by conscription, consign them to the care of God; but let there be no volunteers." The loans, on which gentlemen dwell with such complacency, as evidence of eastern patriotism, were also as violently denounced by the leaders; and came mostly from that abused democracy, one of whom, a principal lender, my near and dear relative, still survives in that Cumberland district so justly denominated the star in the east, to see flung upon him, as a supporter of this administration, the sarcasm of being a new-made democrat, from near the doors of the Hartford Convention. The patriotism of such supporters of this administration, among the democracy of the east,—and, I thank Heaven, there are many of them,—took rather a different direction from the unfortunate one pursued by the violent opposers of that war. Their patriotism was not, early as 1806, to ridicule Mr. Jefferson for his pacific *war by proclamations*, though losing thousands by French and British decrees; was not to denounce

and violently resist the embargo as unconstitutional, and charge the President with *French influence and falsehood* in recommending it, though their remaining vessels were rotting at their wharves; was not to vote, speak, and write, in constant hostility to the war and the measures for its success, though their funds and their industry were forced out of customary employment. But it was,— if not

"Above all Greek, above all Roman fame,"—

it was the patriotism of the noblest days of the noblest of our race. Though scoffed at as *slaves to the south*, by persons now professing to deprecate sectional jealousies, it was, to devote all to their country, to enter the alarm-list themselves for the defence of the seaboard, to advocate enlistments, to lend their remaining and impaired fortunes to the cause; and, in fine, for the salvation of all those great principles of civil liberty their fathers had bled to secure, intrepidly to meet the domestic enemy at the polls, and send their sons on the ocean, the lakes, and the land, to meet the foreign enemy at the cannon's mouth. From the history of all republics, they knew that God had preserved liberty only to vigilance and valor. They, therefore, braved the lion in his den. They rose as their country rose, and fell only as her prospects fell. The victories of the common enemy were a true barometer, in every year, of the victories and hopes of the conflicting parties at home. I was then of an age, sir, to feel such things somewhat deeply, and hence I may speak of them too earnestly. But this much can with safety be asserted, that the political war at home was but little less arduous and exciting than the foreign one abroad. That democracy, though a minority then, as now, in every State in the east, save one,—though abused then, as now, and buffeted, both in private and public life, by their opposers,—had, and still have, thank God! some knowledge of their rights, and "knowing, dare maintain them." In the darkest hour of that war, when civil butchery was in some places threatened, — when schemes of disunion were supposed to be maturing, and, according to my friend here (Mr. GRUNDY), "*moral treason*" stalked abroad,— when the ardent yeoman sometimes slept with his fire-arms at his pillow,— when his sons were absent as volunteers at Chippewa and Plattsburg, on the lakes and the ocean,— then the members of that democracy who were at home fought and endured the moral and political warfare hardly paralleled; — the proscription and persecution of private life, the shameless attacks of the press, the insults of heated partisans, the anathemas of the pulpit; and, minority as they were, they fearlessly faced the apologist of the common enemy and the libeller of their own government, whether in the courts of justice, the halls of legislation, or in those primary meetings of the thousand town democracies which cover our granite hills.

Grant that individuals of the party opposed to Mr. Jefferson and Madison did not unite in what the former calls, in Massachusetts, "*the*

parricide crimes and treasons of the late war," but went gallantly for their country, when in peril. They have earned to themselves laurels which they richly deserve to wear, and which Heaven forbid I should attempt to soil. They relinquished opposition when the common enemy approached, and stood by their country, and their *whole country;* and did not lend a helping hand to those sectional excitements that often belittle and dishonor the politics of New England. By such excitements, groundlessly defaming the democracy of the east and of other parts of the Union, has the glory departed from her Israel, more than by any change of relative population and territory. But if the violent leaders of the eastern opposition to the war then, as since, constantly poured out on the democracy of that section the uncourteous epithets of Jacobins and *Judases*, and styled them, as the whole administration has been styled in this debate, a motley collection of the fragments of all parties, with no common bond of principle, and held together by a mere rope of sand,—if these abusers then, as now, made very modest claims to all the talents, order, and religion,—I stand not here to retort in kind; but courteously to seek justice for myself and my political friends from unfounded imputations, and to say, with sober-mindedness and charity, that, leaving our opponents to the enjoyment of all their real worth,—which, in many respects, I freely admit to be enviable,—yet I do contend that, in private or public life, there is no ground for discrimination in their favor against that much vilified democracy, in all the hardy and heroic virtues which have distinguished New England, if not more highly, yet in common with the Middle States and the south, since the Puritan and merchant adventurers first landed at Plymouth Rock and Strawberry Bank,—virtues deeply founded as her hills, and pure as her mountain streams. No ground for discrimination against that democracy, in either correct morals, tireless industry, or unsleeping enterprise;—no ground for discrimination in doing their full share to build up the fisheries, extend commerce, and scatter plenty o'er a sterile soil,—to erect and preserve all the Doric, if not Corinthian columns, of our whole social edifice in the east; and in doing more than their full share, because their political principles did not forbid them to take a share with their brethren of the other States, in bearing the flag of victory, whether over land or ocean, in the Revolution or the late war.

They have always met the struggle with firmness, and, in common with other parts of the Union, with entire devotion, in times of peril to the common cause, of *their lives*, *their fortune*, and *their sacred honor*. They never halted between two opinions, *when the wolf was on the walk*—when the enemy was on our soil. They had, and still have, quite too much of the Roman, not to endure embargoes and wars, and even death, for their country, whether on their own seaboard or on a distant and savage frontier, when that country and its honor call for the sacrifice. This they have shown by deeds, not words; and this, I will give my pledge, they will always show, when

occasion demands. But, once for all, I will repeat, that that democracy make, and have made, no pledges to men, independent of their measures; and that, so far as represented by me, they will offer or seek no new alliances, and consent to none. They have made no old alliances, and consent to none, whether with the west or the south, except the general alliance of all, in the bonds of the Union. They will neither cajole, nor flatter, nor *bargain*. Those of New Hampshire would fain stand among the other States, as a peer among peers, a sovereign among sovereigns, an equal among equals; recognizing the rights of no mere man from the east to tender or pledge them, either to make or unmake Presidents — to pull down or build up administrations.

They mean to go where democratic principles go — *palman ferat qui meruit;* and when these principles disappear, they mean to halt. Such were the views that led their young men, in the late war, to succor the bleeding west; and in their cause, as well as that of their country at large, to moisten with their blood the fields of Tippecanoe and the forests of Brownstown; — while from the ranks of a different party in that war, however prodigal in professions of friendship now to the west, *not a drum was heard — not a gun was fired.* These views, in peace, likewise, have led them to aid to populate, and protect from the savage, the smiling valleys of the Ohio and Mississippi; and these will always lead them, whether there or at home in the east, cheerfully to unite in every measure they believe constitutional, for the relief or improvement of those who have suffered with them in the common cause.

Can it be doubted that the same feelings would not lead them to assist, in the same way, either the Middle States or the south, in the embarrassments of their industry and trade, or in their utmost need, by invasion or war?

On the exciting topic of slavery, as connected with the south, and introduced into this debate, it is true they have honest and deep-rooted opinions. But this Congress knows, and the Union knows, that, averse as the democracy of the east are to slavery, and aiding as they have, within only about the last half-century, to abolish it all over New England, and anxious as they are for its extirpation from the whole country, yet, never have they joined, and never will join, in the sectional tirade against the south as "black States." They are convinced that there, as in the east half a century ago, slavery must be left to be regulated by the domestic opinions of each sovereign State itself, founded on its own better knowledge of its own climate, productions, industry, and social policy; and that any great change in the civil institutions of a State must, to be wise, useful, and permanent, always be cautiously considered, and gradually commenced.

They cherish, also, I am satisfied, the same kindly feeling towards the south, on the subject of the tariff, that they do, and have done, towards the west, on subjects deeply affecting the interests and prosperity of the west. Instead of laughing at the calamities of the south,

and mocking their complaints, God knows we have had of late sufficient reasons at the east to make us feel, in common suffering, common sympathies; and to cast about, if possible, for the consideration of any measures likely to bring relief and harmony. The very executive who signed the last tariff bill officially declared it "*in its details not acceptable to the great interests of any portion of the Union, — not even to the interests which it was specially intended to subserve.*" (See President's Message, Dec. 1828.)

Among the merchants and manufacturers, the wide and desolating failures at the east, since that declaration, have more than verified the evils naturally to be anticipated from a bill of that character. The present executive, also, has declared, that "*some of its provisions require modification.*" (See President's Message, 1829.)

The gentleman before me (Mr. SILSBEE) can testify that nothing like a parallel to those failures has occurred in the east for a quarter of a century. How much of this deep distress there has been caused by our present unequal tariff, I and my constituents, I am satisfied, wish to inquire, — not from hostility to the protecting principle, as an incident to raising revenue, or as countervailing legislation against oppressive foreign measures, or, in some cases, as a means of preparation in peace for the wants of war, — on that point most of us harmonize, — but to see whether any just and equal legislation requires, in profound peace, and with a prosperous revenue, that the people of New Hampshire alone should pay more than their State tax yearly as a duty on salt, — on a single article of the first necessity in life; should pay over one hundred per cent. tax on molasses, and other great necessaries; and should be taxed most expensively for every nail driven in a farmer's door, every bolt in a vessel, every yard of canvas spread on the ocean, and every pound of sugar, coffee, or tea, that brings comfort to the domestic fireside. We wish to inquire whether this is to be persisted in, after the impost will not be needed for either revenue or protection, but merely to enable this or any other administration to dole out sops or bribes to win States that hold the balance of political power, or who give signs of insubordination to *the powers that be.* We do not wish to attempt anything but equal justice between the three great branches of industry; but agree with the executive of New Hampshire, in 1822:

"No policy can be more obviously unsound than that of creating manufactures, unconnected with national defence, or important to national interests, at the public expense, to be permanently supported by the same means. However disguised such procedure might be, it would be, in its effects, the imposition of a perpetual tax upon the productive branches of national industry, to be applied to the support of an unproductive one." — 19*th Niles' Register*, p. 262.

We never can agree that eight-tenths of our population, as farmers, are not entitled to full consideration in tariff legislation; and that our old-fashioned fisheries and navigation are to be sent to sea adrift, with-

out their due proportion of favor and protection. We have lords of the soil, as well as lords of the spindle; and I, for one, though friendly to a moderate and equal tariff, on the principles before named, can never consent that the self-styled *American system* shall be confined in its bounties to spinning-jennies alone, and exclude, as worthless and undeserving, our agriculture and our commerce. Much less can I consent that the American system shall be converted into a hobby-horse, on which any aspirant whatever may ride into political power.

"Ill-vaulting ambition doth o'erleap itself." And the notions of a distinguished member (Mr. WEBSTER) of the other House, in 1824, on American industry, have ever met with my entire approbation.

"Gentlemen tell us they are in favor of domestic industry; — so am I. They would give it protection; — so would I. But, then, all domestic industry is not confined to manufactures. The employments of agriculture, commerce and navigation, are all branches of the same domestic industry; they all furnish employment for American capital and American labor. And when the question is, whether new duties shall be laid, for the purpose of giving further encouragement to particular manufactures, every reasonable man must ask himself both whether the proposed new encouragement be necessary, and whether it can be given without injustice to other branches of industry." — 26*th Niles' Register*, p. 412.

Entertaining such notions on these topics, I must be pardoned if, as one of the majority, I decline to accept the invitation of the gentleman on my right, from Missouri (Mr. BARTON), to stand on his new political platform, whether of nine or thirty-nine articles of opposition to the present administration. Without claiming for this administration infallibility, I still believe its general course of policy democratic and constitutional; and my friend from Louisiana can inform him or the gentleman from Maine of as severe Jeremiads for the loss of office in 1801 as now, — can inform him that, in the principle of rotation in office for even political motives, this policy only follows up the doctrines of the great revolution of 1800, — and that, since, it has, in practice, had the sanction of the people and the States in every quarter of the Union. Even in Maine, "without respect to sex, age or condition," to use its senator's language, when parties are strongly divided, the same policy has been pushed through, to the removal of doorkeepers.

It is the true republican doctrine. A rotation first made by the people themselves in the highest office in the land, — the chief executive of the Union, — and made for political *cause*, for *probata* as well as *allegata*, according to the verdict returned; — does not the same cause affect most of the active deputies and subordinates, as well as the principal? Whatever disappointment and suffering by removal some individuals may sustain, deserving and receiving in many respects my private sympathy, yet they knew the legal tenure of their offices, and, if violent partisans, should disdain to hold them under men and an administration they have wantonly calumniated. Hence, the agents of the people cannot fear the cry of *cruelty*, *persecution* or *Neroism*,

when following calmly the example set by the people themselves; — when, at the worst, if the power of removal be discreetly exercised, doing no injury to the public, but to "change one good man for another good one," — and when teaching to many the salutary lesson in a republic, that office-holders have no property in their offices, and that liability to removal tends to increase industry and fidelity. Nor need those agents dread the discussion of the constitutionality of the exercise of a power of removal which was legislatively recognized by the very first Congress under the constitution, — was then advocated by the framers of that constitution, and has been practised on, at pleasure, by every executive, from Washington to the present chief magistrate. The extent of the exercise has been left to the discretion and policy of that branch of the government whose duty it is "to see the laws faithfully executed;" and if it was less under one and more under another administration, it has always been influenced by the state of that administration, whether coming in as opposed or hostile to their predecessors, and whether in a minority or a majority, so as to be able to accomplish their wishes. The other doctrine is the doctrine of minorities; and, if correct, the tenure of all office might as well be changed to life, and our government become in name, as in practice, a monarchy. Then, in earnest, well might we accept the proposition of the gentleman to go over to the minority for greater tranquillity, and, as in other monarchies and despotisms, see how admirably minorities can govern. One accidental instance of such a government, by way of illustration, may possibly have been given us this session, in respect to the printing of the public documents; and, I must confess, it has not diminished my aversion to such kinds of governments, and especially to their practical doctrines on public economy. If the gentleman from Missouri, on my right (Mr. Barton), seeks by such measures to pull down this administration, he may not find it so "*downhill a business*" as he represented the *pulling down administrations in this country* usually to be. Perhaps it would be well, before further taunts of this kind are repeated, to set history right, and to recollect that pulling down administrations in this country has *never* proved quite so easy and downhill a business as seems to be supposed, when the administrations have been democratic. Not a very downhill concern when it was attempted on either Mr. Jefferson's, Madison's or Monroe's administrations; — but rather easier, to be sure, — rather more of a downhill concern, — in the two "four-year" administrations in this country, suspected, at least, of no very great devotion to some of the leading principles of democracy. I shall neither vaunt nor prophesy, but only express a doubt that, if the present administration may yet be as easily pulled down, it will not be pulled down by such measures as the printing resolution, nor exactly by such politicians as now lead in the attack on that administration. If beaten ever in that way for a few days, the friends of it probably have Antæan vigor enough to rise stronger from the fall. If the administration, relying

upon its real friends, and on the true principles of democracy, is still occasionally beaten, whether in fact, or only on paper and in party credulity, the opposition may find it will not long stay beaten; and this "downhill business" may prove an uphill job to the undertakers. At least, if this administration is ever, by such leaders and in this way, rolled to the bottom of the hill, I may, as a Yankee, be allowed to *guess* that those leaders, like Sisyphus, will find it must speedily be rolled back again.

I have thus finished, Mr. President, what my sense of duty, painfully in some respects, has urged me to say on this occasion; and if, in the cause of my political friends, I may have flung myself on the spears of my enemies to perish, I shall be content to perish in a cause which my heart loves and my judgment approves.

STATE OF THE NATIONAL TREASURY.

I AM opposed to this motion.* I would not waste the public money in printing and disseminating among the people extra copies of a report, which, from some cause or other, has unfortunately fallen into many errors, both as to facts and principles. They are errors too, sir, neither small in magnitude nor unimportant to the main business of this extraordinary session, at which are recommended measures most dangerous to the relations now existing between the States and the General Government, as well as to the future liberties of the American people.

I shall proceed to point out some of them, fearlessly; but not from any captious spirit, or any unfriendly feeling. On the contrary, the task of fault-finding is to me very painful, if not ungracious, and will be carried no further than is necessary to the discharge of a public duty; and a duty from which the suggestions or threats that I shall be *answered*, will not deter me a single moment. It is my desire to be replied to, as full and free discussion, rather than stifling debate, is the life-blood of liberty; and, if my opinions in respect to the mistaken contents of this report are wrong, I am anxious they should be exposed. I seek light, and not grounds for censure.

Once for all, likewise, let me tell gentlemen on the opposite side, I am not going to dwell on mere clerical errors in adding up numbers, — much of which, in a department with two or three hundred clerks and nine or ten bureaus, must, of necessity, be done by subordinates.

*A speech on the motion of Mr. Clay, of Kentucky, to print one thousand five hundred copies of the Report of the Secretary of the Treasury (Mr. EWING) on the Finances; delivered in the Senate of the United States, June 16, 1841.

On the contrary, I shall endeavor to exercise a liberal charity; though a former Secretary of that department has not always met with similar indulgence from those opposed to him, but has been represented before the country as *muddy-headed*, a *blunderer*, and a *blockhead*, on account of language misquoted, and which he never used; and an appropriation proposed to send him to school to learn arithmetic, because one of his clerks omitted a figure, or the printer mistook a figure in the manuscript.

In relation to another grievous charge, that former fiscal statements had sometimes been obscure, — a charge quite as often made against Hamilton himself, in his day, — did it never occur to the imagination of such croakers that part of the obscurity might exist in their own brains, and happen either from ignorance or inattention to such a complicated and difficult subject?

I will not, therefore, even try to imitate any of this kind of extraordinary courtesy exhibited by them, but will say what is true concerning most errors of that description: they are at times inevitable, in such numerous details devolved on others; and that the present Secretary will be censured by me only when his material results are wrong, his leading principles wrong, or his impressions are negligently communicated to others, and are thus doing wrong. For instance, in the outset, I would observe, that, in the Senate copy of this report, a statement appears that the outstanding appropriations on the 4th of March, when the present administration came into power, were thirty-three millions and a fraction. But, in truth, his own items amount to quite a million more. Now, this is probably a mistake in addition only. Again: his item for civil and diplomatic expenses, in reaching that aggregate, is in this copy six millions and a fraction, while in the copy printed by the House of Representatives it is quite a million less. This may charitably be presumed a mistake in copying. Again: he twice states, in the Senate copy, the receipts in the first two months of this year from the United States Bank as being over seventeen thousand, whereas they could not, in truth, be but once, and are but once, added up.

I should feel as if losing some self-respect to run off in a train of severe invective in regard to these errors. I am for higher game. It would be only a great many such errors that would justly tend to detract from the weight of the whole report, so far as they indicated haste, much inadvertence, or little attention to accuracy, either in the head or limbs of the department.

Another apology, in one sense of the word, is due for both the Secretary and President, on account of their being somewhat new and inexperienced in office; though it certainly would behoove them, under such circumstances, to exercise unusual vigilance to avoid errors, and not, like the Secretary, to travel almost out of the road, and go into certain uncalled-for calculations of receipts and expenditures for a quarter of a century, for no possible object, which I can

divine, except the partisan one of casting reproach on his immediate predecessors. If he had leisure for this, it might perhaps have been quite as usefully devoted to making his figures and calculations, in respect to the great objects of this session, a little more accurate than I shall feel compelled soon to show them to be.

Indeed, some charity might still be due on another account: that is, the manner in which their friends represent them to have been interrupted and incommoded by the irruption of Vandal hordes of office-seekers, coming from that disinterested party which so abhors the doctrine that to the *victors belong the spoils.* They are represented as more voracious for office than the most famished harpies, and to have helped destroy already one President, and, if not made of iron, will embitter the life of his successor. If this account be true, both the President and Secretary require some forgiveness for financial mistakes, particularly as their position may impose other employments on them, and not very consistent with close attention to financial details, and not very different from what Lord Bolingbroke writes to Sir William Wyndham was the situation of his party and cabinet, when it came into power. He says:

"The principal *spring of our* actions was to have the government of the State in *our* hands; that our principal views were the *conservation* of *this power;* great *employments to ourselves,* and great opportunities of *rewarding* those who have helped to raise us, and of harming those who stood in opposition to us."

It will be proper often, on this occasion, to advert to the message, to see whether it throws any new light on the report, where obscure or doubtful, — if it be possible for a document to be of that character which has been so much commended by its friends for accuracy, and what they classically term "intelligibility," and being "understandable."

But the President seems, in such statements, to be peculiarly entitled to indulgence; because, as a general rule, he must obtain his details and conclusions on fiscal matters from the appropriate organ, which is the treasury department; and he refers expressly to "the report of the Secretary of the Treasury" for his data. (p. 3.)

The President, however, may well be considered responsible for any mistaken general principle he urges on these matters, but no further. And to that extent, in a few instances, I shall be obliged to question at least his political orthodoxy on some points, in the course of this unpleasant discussion.

In making a scrutiny of this report, and the fiscal parts of the message, the public time shall not be wasted by me on what is not vitally essential to the whole object, end and aim, of this extraordinary session.

Why, then, are we now deliberating here, at this most busy and interesting season of the year? The country is breathless with expectation to see with some certainty the appalling cause. Why have we been

summoned from our ploughs, our professional pursuits, our hearths. and our altars, except on account of some unexpected and astounding difficulty, either in the finances or our foreign relations, menacing ruin or war? If moneyed matters stood on the 17th of March — the date of the call — as they did on the 1st of that month, why did not Congress provide for an extra session, if one was deemed necessary? Why was not one moved in that body, and the reasons for it assigned? But no. When none had been even proposed in Congress, and two days after the celebrated panic instructions to the Attorney General in McLeod's case, there bursts suddenly on the American world the proclamation for this session. How happened this? Had the timorous feeling which some have supposed dictated those instructions not subsided? And was Congress to be summoned in reality on that account, but in appearance on account of fiscal difficulties then or soon apprehended? Did this administration tremble lest our old oppressors, who had long before murdered our peaceful citizens, and burnt our property, should suddenly make war on *us*, instead of we on *them?* and that, after they had avowed and justified the barbarous outrage, and the executive had stipulated to do all in its power to comply with their imperious wishes? Did it hasten to call this session for relief and advice, after first agreeing to give up one of the offenders as soon as practicable, and not merely to protect him as a hostage or prisoner of war? Did it tamely engage to surrender the gasconading culprit, without first receiving explanation or atonement, — either indemnity for the past or security for the future?

Sir, the ashes of John Hancock and Samuel Adams, could they have heard the proposition in the stillness of their tombs, would have started to life with indignant remonstrance.

But if this, or any other extraordinary cause, except the finances, then existed, and was the chief cause, and has since passed away, it would have been manly and proper, if deemed competent, to have revoked the summons for the session, or it would be well now to close it by an early adjournment. But if there was then some fiscal difficulty, of sufficient magnitude alone to justify all this inconvenience of forcing six or seven States into premature elections, virtually disfranchising two States that have not been able yet to make elections, and imposing an expense on the treasury of more than half a million of dollars, then let us see what it was. There was, to be sure, one appalling discovery, about that important era, in connection with the treasury department; but I believe that all the evils connected with it were overcome before nightfall, and that without the help of any extraordinary session of Congress. The President, it is understood, believing, from some contemptible spy, that some of the old officers were committing errors in passing an account, resorted to the very novel and military measure of stopping, by his simple *fiat*, the whole operations of that department. The sub-treasury, as well as the settlement of accounts, came to a dead halt, without the help of the bill of

repeal from the senator from Kentucky; and an act for which General Jackson would have been assailed throughout the Union, and impeached here, — an act to suspend all the fiscal laws, instead of seeing that they be executed, — was so soon found to be unnecessary, illegal, and unconstitutional, as to be revoked early, and the origin of it not now pretended to be one of those "weighty matters" which have led to this early meeting.

What, then, were those matters "principally pertaining (as the proclamation says) to the finances and revenue of the country"? Was it some monstrous "*arrearage of forty millions,*" that should be immediately discharged, and about which the rumors and grave calculations had puzzled some great financial brains, in and out of Congress, for several months previous? None, none. Even now, after three-quarters of a year in possession of the books and files, it is admitted by the Secretary that there was then a balance on hand, of money and other resources, amply sufficient to meet all arrearages then or since existing. And here I must express my obligations personally to the Secretary for having now made public, officially, the important fact that more money was found to be on hand the 4th of March than was estimated by his predecessor. This appeared, also, clearly, either from those old books, which seemed so very obscure last winter to the financial talents of some senators, or from those notable *new books* which were opened, and, by some whig magic, were to detect all kinds of embezzlement and villany.

By table B, annexed to this report, it seems that from fifty to seventy thousand dollars more money was likewise ascertained to be in the treasury than the accounts required. Gratifying result, certainly! — a most commendable kind of defalcation, after all the calumnious rumors as to high peculations bruited over the country then and since.

Next let me inquire if there was any deficit on the 17th of March, when this session was summoned?

I invite any gentleman on the Committee of Finance to point it out, if stated in the report. There is none. None whatever.

Was there any deficit on the 30th of May — the day we met? None. But the Secretary and President admit two to three millions of available resources on hand, besides the accruing revenue.

Is there any deficit now? Far from it. I ask once more, then, why we are convened at an extraordinary season, and at great inconvenience and cost? It is, forsooth, that the Secretary guesses or estimates that, by the 1st of September, there will be some *deficit*, and, by the close of the year, a further small addition to it; and, consequently, that it might be prudent to provide for them some months in advance. Concede this mode of arguing to be right, if the deficit was certain, yet a session not so early by two months could have been soon enough to remove the evil, and allowed longer time to complete elections. Besides this, the supposed deficit then, or at the close of

the year, is entirely uncertain. It is dependent upon an under estimate of some receipts, and on a system of premature expenditures of existing appropriations, as well as an over estimate of others, to bring it about, and an addition to them of new appropriations, not yet sanctioned by Congress.

Whether this deficit, then, is likely to happen under existing appropriations, is a matter of sheer conjecture, and as to which we have not every light which was to be expected in a communication which looks so lucid to its friends as this report. When the Secretary had facts as to the past three months, concerning both their receipts and expenditures, he gives us not a syllable in relation to them. But where he had no facts in relation to the next three months, he gives us many hypothetical calculations and guesses, without communicating to us either the experience of the past to rectify estimates of the future, or the grounds of what appears to be one of the most extraordinary attempts ever made to form a *deficit* on paper which ought not to happen.

I do not mean to be understood by this, that it will not in reality happen; because a *deficit* can always be made on a distant day, when the balance on hand is small, and it can easily be accomplished by pushing prematurely and lavishly every possible expenditure, by making hasty contracts, and by giving large advances to disbursing agents. But the great inquiry, in examining whether this early session is necessary, must be — Could not a *deficit* well and easily have been avoided, not only in September, but even till the usual period of the session of Congress, and thus the country have been saved all the cost, inconvenience, and other evils, incident to the present meeting? I undertake to say that, on the Secretary's own showing, no deficit would exist under any appropriations made before we were summoned, or even now, except to the extent of one or two millions of dollars, instead of more than five millions, as he computes it. Because, in order to conjure up his large deficit, he has to add, for appropriations not yet made, the expenses of this very session, and which must, of course, be justified by a deficit existing independent of it, if at all. He has to add, also, other new appropriations, amounting with this to more than three millions of dollars. In this last way, also, it must be seen, there is no trouble, on any occasion, whenever a deficit is wanted, to fix the time at some distance, and call an intermediate session, and make new appropriations enough to produce the deficit desired.

In this way, a deficit for thirteen or thirty millions can as easily be estimated and produced as one of five millions, like that on this occasion. The Secretary may be entirely innocent of any such views, and may carelessly be pushed into this by the importunities and plausibilities of others professing laudable objects. But if you calculate his supposed deficit on only existing appropriations, it dwindles to about two millions on its face; and, as I shall attempt to show hereafter, if deducting further manifest excesses in expenditure, and adding mani-

fest deficiences in receipts, there would be no deficit whatever, but a balance of from one to two millions in the treasury on the 1st of September. To be sure, as before remarked, this balance can be defeated; but I will demonstrate that, if the expenditures have, since the 4th of March, and shall, till the 1st of September, be kept down to the usual and proper amount on the whole existing appropriations, it would not be probable, and hardly possible, to make a *deficit*.

As difficult would it be found, also, to make one for the whole year. And I go into this, because some gentlemen may argue that it is not now too soon to provide for one likely to happen at any time before the year closes. Grant, then, for the sake of the present examination, that this last reasoning is plausible; and yet it will be found, on a little scrutiny of the report, that there is no more likelihood of any deficit for the year than for the next three months, unless, as before remarked in respect to that, the Secretary produces it by unjustifiably large expenditures on existing appropriations, or we, ourselves, hereafter produce it, by our new and additional appropriations.

But before entering into a critical examination of the character and amount of these supposed deficits hereafter,—none having yet occurred, as both the report and message admit,—let us inquire a moment whether any debt has occurred which is due, so as to have required this early session. And, if so, what is its real amount under all the exaggerations which have been circulated in stump speeches, and in Congress, also, as well as mentioned in some parts of this grave official document. I ask for proofs of the amount of the debt.

Gentlemen here must know well the difference between a debt and a *deficit*, though they have often been loosely or designedly confounded elsewhere. Thus, there may be a debt, but no deficit, because the debt is not yet due or payable. Of course, it cannot help to make a deficit, till it become payable; and there can be no necessity for convening Congress to provide for it till it becomes due, or nearly due. Much less is it necessary to call an extraordinary session, when no change as to the amount or character of the debt existing before the adjournment of the last Congress, or on the 4th of March, has taken place since.

I aver that it is not pretended by the Secretary, in the introductory portion of his report, that there was any debt then payable, whether temporary or permanent, which he did not possess ample means to discharge. What debt there was consisted of treasury notes, equalling, in old and new, from five to six millions; and of these not a dollar was then payable and demanded, which had not been paid. If there had been, he possessed, in order to discharge them, nearly six millions of means in money, and authority to issue other notes.

Nor were many of them to become payable by the 17th of March, when we were summoned, nor by the 30th of May, when we met. He had more means than were sufficient to discharge all which were due and presented, even before this session began, and to pay all other

expenses, and have left over two millions of resources, besides the accruing revenue.

Thus, in the 4th page (edition by the House), he says that, late as the "1st of June," he had funds in the treasury, as per statement C, $644,361.16; and a power to issue treasury notes, authorized by the act of 15th of February, 1841, $1,505,943.91. These constitute existing means equal to $2,150,305.07.

There is no pretence, therefore, of any mere *debt* then due, which required this early call of Congress. The Secretary himself denies and refutes any such position, in his first statements; and as to any debts which might exist and fall due next year, it would have been in full season to provide for them at the regular session. Accordingly, the first syllable we hear in the report about a debt due is at the bottom of the third page, where he so very intelligibly, as to the amount of it for the year 1841, speaks of treasury notes "receivable for public dues in the present year, or payable in 1842," and, by means of more than six millions of those, he adds, "making an aggregate of *debts and deficit* to be provided for, in this and the *ensuing* year, of $12,088,215.18." This is very clear, I suppose, to his friends on the other side of the House, as to the amount of the debt falling due in 1841. If so, how much is it? Will any gentleman favor us with the amount? None. Why? Because, in truth, it does not appear that a dollar of it is a debt due in 1841. It is confessedly an aggregate made up, not of debts, but of *debt and deficit* together; and not of debt for 1841, but of debt and deficit for "this and the ensuing year." When you analyze it, little doubt can exist, from the other details given, that most of that part of it consisting of *debt* does not fall due till 1842, and could then be early enough provided for, if not extinguished before, by the accruing revenue. This meeting of Congress, then, as necessary to provide for a debt due now, or even in September, is delusive. This reason offered for it by its friends makes it suicidal — a *felo de se*. But I am willing to admit that afterwards in the report, bearing on this point of some debt due in 1841, the Secretary talks so as to throw more mystery over it. Whether he does this through carelessness or otherwise, the Senate must in the end judge. At the close of the fourth page, when on the previous page he had expressly admitted that the *deficit* for the whole year was only about six millions, — or, in his own words, "leaving unprovided for, of the demands for the present *year*, the sum of $6,000,941.14,"— he observes, that he makes "an aggregate" of deficit, for only the next *three months*, of more than nine millions. This is very extraordinary on its face, — that the deficit in a quarter of a year should be nine millions, or greater than in the whole year! But it may be possible. He next adds a remark "as to the mode of providing for the above deficit, together with the residue of the existing public debt." He thus admits and recognizes, as he did on the other page, the distinction between *deficit and debt*, and proceeds at once to a computation of receipts

and expenditures since 1816, and more especially of the last four years, for no justifiable object connected with this session, or with the fiscal deficit and debt he was considering, unless it was to show a still further or larger deficit or debt. Accordingly, in his conclusions, after the comparison is made, he adds, as to the last four years, that "there appears an excess of expenditure, over the current revenue, of $31,310,014.20." Then, after some words in brackets, he immediately says, "Thus, and to this extent, within the last four years, were the expenditures pushed beyond the amount of the revenue." He speaks next and further, of being "burthened with a debt incurred in time of peace," about augmenting "*that debt*," of its being an "increasing national debt," and of taking "effectual measures to prevent its further augmentation."

Now, I ask gentlemen, for information, if he is not understood, by some of them here, to mean, by the debt, the thirty-one millions and more he had just been speaking of, as an excess of expenditures by the past administration? That sum immediately precedes, and with the nine millions deficit in the three months, just before named, would hold up to the country the whole of the colossal debt, or "*arrearages of forty millions*," about which his party had said and sung so much during the preceding six months.

If all his friends do not so understand him,—and his report is praised by them, as being very "*understandable*," — let me tell them that many of their political faith do so understand him, and are now, on the wings of the press, wafting to every hill and valley in this widely extended country that this identical thirty-one millions is the *debt* created by the past administration. They say that Mr. Ewing so declares it to be, that this is what he recommends to be *funded*, and hence this, and the nine millions supposed deficit, would make all the mammoth forty millions which had been so often predicted.

This morning, — from several such allegations in his own partisan press, — one of his ardent friends, an editor of long and high standing, as well as education, and recently a State senator, sends to me this printed notice of this part of the Treasury report:

"From the 1st of January, 1837, to the 4th of March, 1841, there appears an excess of expenditures over current revenue of THIRTY-ONE MILLION, THREE HUNDRED AND TEN THOUSAND DOLLARS."

Then, after a few further remarks, he adds:

"This is the NATIONAL DEBT, — the legacy of Van Burenism. Mr. Ewing calls it so rightly. He recommends that it be *funded*."

It is remarkable, that soon afterwards, in the report, is a separate head, entitled "*public debt*," and under it are a page or two of observations; but in no part of them does he state the amount of the *public debt*, except as to be inferred from this thirty-one millions; and the readers of this "*readable*" document, as his friends call it, are flung

back to this thirty-one millions as the true amount, which they say he recommends to be funded. At least, his own political partisans out of Congress say that is the true amount, as they understand him, and as they, no less than he, were doubtless very anxious to have verified. Then, again, says another of the modern whig presses, this very week, referring to this very report:

"There appears to be a deficiency of revenue of about $11,000,000, and a debt of $31,000,000, which may be augmented at the close of the year."

So, once more:

"Again: if we are to be relieved of the existing debt of $40,000,000, there should be a further augmentation to the revenue of some millions, for the purpose of gradually clearing off that incumbrance."

And another:

"☞ We wish to confine the thoughts of all our readers to one great point, this week, — the condition of the United States Treasury, and the amount of Mr. Van Buren's national debt, his legacy to the people — more than THIRTY-ONE MILLIONS."

Another, going down even to Mr. Ewing's cents, says:

"KEEP IT BEFORE THE PEOPLE, — that it is now officially announced, that the national debt incurred by Mr. Van Buren, during the four years of his administration, amounts to THIRTY-ONE MILLIONS, *three hundred and ten thousand, fourteen dollars and twenty cents.*"

But enough, out of a myriad of such blunders. This, then, is the place, and proper occasion, to correct these scandalous errors, derived from this very document, by the Secretary's own friends. I will endeavor to set history right on this point, before I sit down. These statements as to the contents of the report must be either true or false. I ask, then, first, will Mr. Ewing's supporters on this floor admit that a single one of these statements, made by his and their friends, is *true?* On the contrary, must they not declare that their own friends, led into error by the Secretary himself, are publishing the foulest misrepresentations of the truth? If they so declare, then let me ask, what a beautiful illustration this collision and contradiction in their own ranks furnish of the boasted clearness and accuracy of this report! for, if the debt already created be not thirty-one millions, according to Mr. Ewing's views, as understood out of Congress, it must be only about *six millions*, as that is the only other sum, in any other portion of the report, referred to by him as the amount of the debt. It would, then, follow, first, that this document had been drawn up with such special care and clearness as to cause an impression among his own party different from the truth in the enormous amount of near twenty-five millions of dollars! This, too, in a matter most vital to our present meeting, deliberation and action, — the amount of the public debt which we are really requested to have funded. It is, too, if a

mistake, and not intended to exhibit the thirty-one millions as a debt, a mistake which has led some of his friends to believe that all the coloring, exaggerations, and calumny, against the past administration, for having created a debt of thirty to forty millions, was now discovered, and proved by official data, to be true as the Gospel of Christ, instead of being false as the Alcoran.

But, on the supposition that the Secretary possibly did mean to convey the idea, and does convey it clearly, as many of his party allege, that the thirty-one millions is the debt inherited from the past administration, and to be now "*funded*," let us examine, for a moment, the base and shallow pretences for such an idea. We shall, at least, do one benefit by it, if successful. We shall force his friends here to admit that there is no such debt, and that, for political purposes, a vile and monstrous exaggeration has been resorted to by their own party.

If this thirty-one millions be a debt, to whom, then, are we to issue the scrip or certificates of stock, when it is funded, under the funding schemes of the new dynasty? Of the whole amount, one item of near nine millions is money collected chiefly from the United States Bank, on account of the capital we formerly owned there. Is this nine millions a debt we owe, when we have merely collected that amount from our creditors? If so, to whom do we owe it, and why? With a change in our political dynasty friendly to a United States Bank, are we to be called on to refund to that bank all our capital we have collected, and thus generously to aid that distressed and unfortunate corporation, as we propose to aid most of the rest of creation, though pretended by our opponents that we ourselves, the General Government, have been left in the most pitiable and embarrassed condition?

This is one of the greatest humbugs in this age of humbugs, to pretend that a dollar of this nine millions is a debt we owe to anybody, or which should be funded.

The thirty-one millions is, then, reduced to twenty-two. But, mixed up in another item of about seventeen millions, is a balance of money of near eight millions, which was in the treasury on the first of January, 1837, which has been expended, as it should be, on objects directed by Congress. Is that a debt? If so, to whom? Who shall have the stock for it? This is quite too ridiculous for argument, — that we are to fund and pay as a debt, to some unknown somebody, seven millions of dollars, which belonged to ourselves, and for which we do not now owe, and never did owe, a cent!

This leaves only fifteen millions, or not half of the mighty thirty-one. But, of that fifteen, over nine millions is confessedly the fourth instalment. Is that a debt we owe? A debt for what? What property did we get for it; and from whom? No. It will do to talk at ale-houses and political log-cabins about our owing the States this last nine millions. But it is a little too much for a Secretary of the Treasury to countenance such an idea, — a Secretary who had the solemn laws of the twenty-six States before him, and their receipts,

showing that all the instalments were to be considered as money belonging still to the United States, and not to the States. That, instead of owing them the fourth instalment, as a debt, they owed us all the three others, and were liable, and had engaged to return them whenever required. That the transaction was expressly and deliberately agreed to be a mere deposit temporarily, to be returned when needed, and not even a gift outright, and much less a *debt* owing by us. Much less could it even be pretended, by any intelligent financier, that the United States, by using the fourth instalment, their own money, and for their own public purposes, thereby incurred any debt to the States.

All of the whole thirty-one millions, as a debt, then, after deducting this, dwindles to between four and six millions.

The inflated balloon, so large with party gas, thus pricked, collapses, and leaves nothing but the comparatively small amount of debt named in another portion of the report, and there named as not due now, but in the ensuing year.

What a miserable abortion or pretence there is, then, in all this thirty-one millions, for any debt now due, so as to justify this early session! This scrutiny shows also the carelessness, and originality, at least, of a fiscal officer having a whole head of his report devoted to the "public debt," and yet, in no part of the information given under that head, stating the amount of this public debt. Was ever such wisdom exhibited before? And I now ask any gentleman, on the other side, to inform me, from any part of his report, how much public debt the Secretary means to state has been caused by the appropriations under the past administration; and how much by new appropriations, and his new "Fiscal Bank" scheme, under the present administration?

But one or two minutes longer as to this large item of thirty-one millions. Why was it dragged in so awkwardly in respect to this session, unless it was meant to convey an impression to cursory readers that a debt to this extent had been created by the past administration? It had some object. Was it, then, the mere partisan object of holding up the preceding administration as extravagant and odious? If so, I am ready to prove, from official documents in the Secretary's own office, that he was conveying an impression which he knew, or was bound to know, to be utterly groundless.

Thus, in document No. 497, of the Senate, at the twenty-fifth Congress, second session, it is reported from the treasury department, that the appropriations made by Congress exceeded those asked in the annual estimates over nineteen millions, and in 1837 they exceeded them over seventeen millions, making an aggregate of thirty-six millions of excess. Now, none of those passed in 1837 had been made or expended on the 1st of January, 1837, and probably none of the former ones, being made mostly in July previous, had been expended beyond the sum of four or five millions. There was, then, imposed on this four years, from 1837 to 1841, outstanding appro-

priations, beyond the estimates, equal to this whole thirty-one millions, and which, though it or its predecessor never called for them, it was compelled by Congress to expend beyond the ordinary appropriations called for and outstanding. Yet to spend this excess is now imputed to it as extravagance and waste, by some of the very persons in the opposition who were foremost and eager to break down the treasury with them.

Again: by another document, No. 450 of the Senate, twenty-sixth Congress, first session, it appears, that in these four years more extraordinary and temporary appropriations were required by Congress to be expended than was the average of the two previous presidential terms by the whole amount of this thirty-one millions, and quite forty-six millions more than in the presidential term of the younger Adams. Yet it is now charged upon Mr. Van Buren and his friends, by those who moved and advocated many of those extra and temporary appropriations, that the balance of only thirty-one millions of excess in his expenditures over the receipts is evidence of his want of economy. A want of economy for a balance against him of thirty-one millions, when they compelled him to expend quite forty-six millions more than were imposed on their own administration.

Nor was this period "a time of peace," as the Secretary states; but it was burdened with one of the most expensive and bloody Indian wars that has ever ravaged our frontier.

Again: look at the other side, to the RECEIPTS in this period, from 1837 to 1840. The executive cannot increase or diminish the receipts, except sometimes from lands, by many or few advertisements. But Congress can. In those years the tariff had become lessened by Congress itself, under a biennial reduction. Was the past administration culpable for that, when the measure originated before it came into power? Over forty millions of revenue, which would otherwise have accrued, had also been relinquished and reduced by the alteration in the tariff of 1832 and 1833. Added to this, the Secretary has seized on a period for his comparison when most extraordinary revulsions had begun in the commercial world, lessening, and almost entirely for a time paralyzing, all revenue. Was this very period picked out on that very account? Had the Secretary intended to draw a fair comparison of the receipts and expenditures, after a great civil revolution, like the accession of General Jackson in 1829, or a great event in the monetary concerns of the country, like the removal of the deposites in 1833, it would have been natural and proper to take these dates, and not 1837. Those two eras of ruin, in the view of most gentlemen on the other side, were a sort of Hegira in their political chronology, and the results would have been useful; but they would not have answered the purpose of conveying to the world an impression of great comparative expense over the receipts, and hence of great supposed wastefulness. Thus, by document No. 212, Senate, 25th Congress, 3d session, and the annual reports since in the finances, it can be seen

that from 1829 to 1840, when the country was ruined by General Jackson and Mr. Van Buren, the receipts exceeded the expenditures, instead of the reverse, by quite fourteen millions of dollars; and from 1833 to 1840, by quite three millions; and from 1829 to 1837, by forty millions. Again: if gentlemen would devolve on 1837 the money then on hand, since deposited with the States to the extent of twenty-eight millions, and the balance of near seven millions left beside in the treasury, as well as devolve on 1837 all the excessive outstanding appropriations made in 1836–7, above what the estimates called for, this alone would not only square the accounts, but leave seven millions balance in favor of the past administration. Such and so groundless are some of the obsolete charges now vamped up and newly varnished by the Secretary against his predecessors.

I take great pleasure in finding, that in the financial parts of the President's message, he has too much tact to allude at all to this thirty-one millions. He does not treat of its extraordinary items as a debt, or deficit, or evidence of extravagance. But he should have done it, were they either of the former. He knew better, and he did better. He, too, shows the judgment and good sense to extract nothing about this four millions surplus from "*the report of the Secretary of the Treasury*," to which he expressly refers us (p. 30) as having seen, and as furnishing the data of his own fiscal exhibits.

But gentlemen may argue that, in another portion of the report, it is shown that over thirty-three millions of appropriations were outstanding on the 4th of March, and that this is *prima facie* evidence, either of a *great debt* to near that amount, or of great arrearages. Such sage arguments have heretofore been used to reach similar conclusions by our opponents, and they are likely to be again. Even the report seems to give some countenance to such an impression, by swelling the aggregate of appropriations by the addition of all the treasury notes, and giving no explanations how short a time the great mass of these outstanding appropriations had been passed. It is therefore necessary to scrutinize them a single moment. First, then, including only the appropriations for ordinary expenditures, exclusive of any debt or treasury notes, which is the customary mode of stating outstanding appropriations, and the aggregate was only about twenty-eight millions, instead of thirty-three millions.

Again: it is a recorded fact, in an exhibit published by an officer of this body, and which I hold in my hand, that near eighteen millions and a third of those twenty-eight had been appropriated, or become chargeable, during the recent session, at the heel of it, and most of them within even three days of the 4th of March.

Yet, without any such explanation, they are sent out to the world, by Mr. Ewing, in a form calculated to create an impression with many that the whole thirty-three millions were old arrearages, or old debts, or evidence of one of them. But, on a scrutiny, it appears that only

from nine to ten millions of the whole thirty-three then remained as old appropriations, exclusive of treasury notes, which is no larger a sum than the Secretary proposes to leave at the end of the present year. Nor, on the other hand, is nine millions any larger, if so large a sum, as it has been customary for a long time to have outstanding at the end of the year. Nor is it evidence of a dollar of debt or arrearage.

Thus vanishes another of the wretched fabrics for an existing debt or arrearage of thirty-three or forty millions. Indeed, the outstanding appropriations at the end of a year have at times been as high as fifteen or sixteen millions, without usually including anything for the debt. They have been so in 1836 and 1837, but by 1839 were reduced to about thirteen millions, and last year, at the close of it, were not far from twelve millions. Part of the reduction has been always caused by carrying some of them to the surplus fund, and one year from two to three millions. But, independent of that, the Secretary now, by his estimates, would reduce them at once three or four millions, independent of the surplus fund, and by large expenditures alone, being thus nearly three or four millions more than it has been usual to reduce them in that way.

This is without any explanations, and hence inscrutable on any common principle. But one other fallacious position on this topic in the report, and I have done with the supposed debt. It has been and may be again argued, that at least the sixteen millions and a fraction, estimated as a deficit by the Secretary at the close of the year, must and should be regarded virtually as a debt of the past administration; and hence, if the debt was not forty millions, or thirty-one or thirty-three,—handed over, in their language, as "the legacy of Van Burenism" to the present administration on the 4th of March,—it was at least sixteen millions. But will gentlemen use their eyes and common sense a moment, on this point? Let us examine the items of this $16,088,215.18, which the Secretary computes to be an "estimated deficit," with such apparent exactness as to go down even to cents — to eighteen cents in a mere estimate, and that one involving the sum of sixteen millions. I do not object to great exactness in past expenditures, which, of course, are known, and can, and perhaps may, properly enough, in fiscal exhibits, be stated in cents, when they exist. But this pretension to such minute accuracy in an *estimated* deficit is a little too bad; and more especially in a document so abounding in large errors and numerous discrepancies in its estimates and statements, even to the extent of several millions. But the Secretary may be entitled to some indulgence, on this score of using cents in his estimates, on account of the example probably set him by the estimates for civil *foreign intercourse*, &c., some of them coming from his superior officer in the State department, and, for aught I know, the consequence of the well-known vigilance and care in money matters which distinguish the Secretaries, whether *upper* or *under*,

in that department. Of the items which constitute this sixteen millions, the last one, of four millions, has never yet been even appropriated, and is, of course, not due as a debt to anybody.

It is merely four millions which the Secretary wishes to have authorized as a surplus in the treasury, and which, of course, on the repeal of the sub-treasury, which he recommends, and which gentlemen have already voted for, is to be placed in the broken State banks, to be loaned and banked on without interest to us; and this at our expense, as we shall be obliged to borrow it for them, and pay interest on the loan, or it will be placed in the same way, and for the same purpose, in the new "*fiscal*" or treasury or government bank, at the fancied idea of which our opponents last year had such horrors.

But what a shallow pretence it is, that this four millions, or any part of it, is now, or was last March, a *debt!* Deduct it, and the twelve millions remaining is the sum formerly referred to, about six of which the Secretary admits not to be a debt due last March, or even in this year; and the other six is half of it, at least, as I shall soon explain in detail, manufactured from new and additional appropriations now requested, but which had not passed last March, nor do they even now exist, except on paper, and in imagination and hope.

The other three, without now dwelling on other particulars, are more than all counterbalanced by the over-estimate of expenditures under existing appropriations. Thus, in brief, for example, the new and permanent appropriations for this year were, as before explained, but eighteen millions and a third, and, by a table annexed to the Secretary's own report, were under that sum. On this amount the expenditures, by the practice and usage for almost all time since this government began, would be such as to leave, at the end of the year, about the same amount unexpended as is spent of the old or former appropriation. In this way, the whole expenditure in any year nearly equals just about the aggregate of the new and permanent appropriations.

The Secretary, then, ought to spend, for the current service in 1841, only about eighteen to nineteen millions, when he proposes to spend for it over twenty-three millions, or an excess of four to five millions, and considerably beyond all which remains of the computed debt or deficit of sixteen millions.

If, to cover some contingencies and fluctuations, the expenditure might go to twenty millions, and that be deemed the maximum, and which was the maximum in the annual report last December, the excess proposed by the Secretary would still be more than three millions, and alone would absorb all the balance of the sixteen.

I concede, however, that by pushing the expenditures hastily and inconsiderately, in every quarter of the country, to aid this object or that,— this or that individual,— and that by making large and premature advances, the expenditures may, in truth, be thus inflamed or augmented. But I do say, that if this should unfortunately prove to

be the result, it will grow out of a departure from long usages, and, I fear, be a violation of what is due to the public interests, more especially in the straitened condition of our fiscal affairs.

Thus, then, disappears all pretence of any debt due this year, beyond our means under the aggregate of sixteen millions. What, then, is the real debt already created? What part of it is to fall due this year, and what the next? And what amount of additional debt does the new administration recommend to be created, for its own appropriations and bank capital, the present year? Seriously is this information desired, — and will any of the Committee of Ways and Means give it to me? No: either they cannot ascertain it satisfactorily from the report, or the results would not be very flattering to the comparison, as to economy and extravagance, between the two administrations.

Will they include for this administration the Secretary's new surplus of four millions? Will they include the fourth instalment, or not, and borrow, or not, nine or ten millions for that which the Secretary, in his new bank project, says, most *unadvisedly* and erroneously has already been "appropriated"? Will they include six millions more, which he recommends unconditionally, to aid in establishing the capital of a new national bank? and five millions more still, in case individuals do not subscribe enough? Will they include three millions more, for what they give away from the public lands to the States? and three more, for their new appropriations for the war department, extra session, and census?

This is a very modest aggregate of debt apparently requested, equalling at least thirty millions, connected with measures of the new reform and economical administration; while, for the past extravagant administration, there should not be, at the utmost, both this and the next year, but from four to six millions.

Now, am I right in these inferences from the report itself,— and how much of this saving and reforming policy will Congress approve? That is the important inquiry. What did the President, too, think should be authorized, for all these purposes? And what aggregate do either of them, in reality, mean you shall fund for all these purposes? The country is faint with expectation to know something certain and intelligible of the views of their highest officers on such a momentous measure to them and their children,— a measure which certainly tends, however designed, to mortgage, to British capitalists, their workshops, farms, and firesides, for ages, and render us all mere *hewers of wood and drawers of water* to our ancient oppressors.

On the contrary, that I am right in respect to the delusive prejudice which has been got up against the past administration for a debt of forty millions, or even thirty, or twenty, or ten, another course of reasoning, and a little exercise of plain, practical sense, will demonstrate. A nation is like an individual, in these respects. What is the debt of any man, on any given day? It must be the amount of admitted claims which others hold against him, unsatisfied. But others held

against the United States, on the first of this year, only about four and a half millions due of treasury notes; and on the 4th of March, only between five and six millions, and a considerable portion of this not payable till another year. This is the whole mystery and wonder, in a nutshell. Before this year ends, the debt on the existing appropriations is more likely to be reduced than increased; because, of the appropriations outstanding, there were several millions less, instead of more, than in several years immediately prior, and the expenses under them were satisfied as fully as usual, or your table would have been loaded with the clamorous complaints of creditors asking relief. This is the unvarnished tale — the truth, the whole truth, and nothing but the truth. Stump orators and legislators can talk themselves hoarse as to details, and not change a figure of this result upon general data, intelligible to the most common capacity.

Much has been said of the enormous payments made to redeem treasury notes. But that is evidence of ample means, if as many new notes are not issued, and not of extravagance, in any case, if the new issues do not go far beyond the amount redeemed. Thus, in the last four years, if mingling, like the Secretary, the redemption of treasury notes with common expenses, and thus increasing the apparent extravagance several millions, anybody could and would have made that administration appear to have spent thirty or forty millions more than it really did. And yet, in the whole period, up to the 1st of January, it did not owe an amount of treasury notes, for the whole time, more than about four and a half millions. The aggregate has been swollen merely by the issue of new ones for old ones, in most cases without increasing the real expenses, or the real debt.

Stripping off party disguises and ignorant misconceptions, such are believed to be the true views of this interesting subject, — a subject which, in this respect, is made the theme of the grossest carelessness, if not mistake; and which, by bad juxtaposition of statements, by omissions and mystification, has led the Secretary's own friends, all over the country, to quote him as authority for the flagrant calumny on his predecessors, that they have left the treasury burdened with a debt of thirty-one millions, at least, if not forty; when, in other places, he is found to admit that it is only about six millions, and most of that not due till next year, — all of it temporary, and all of it likely to have been extinguished before December, if the conduct of the United States Bank, since the 1st of January last, had not been such, and with such developments, as to cover large portions of the country with ruin, paralyze business, injure American credit, for a time, at home and abroad, and thus reduce largely our revenue from foreign commerce.

I shall next proceed to inquire into the estimates and calculations, in detail, by which the Secretary arrives at the conclusion of a large deficit for the year, and then for the ensuing three months, which it was necessary to provide for in so early and extraordinary a manner.

And, first, let me ask if there be no important omissions in the report of what is useful to decide correctly in this inquiry, and which ought to be supplied before printing extra copies of it, or acting on its recommendations? It omits entirely the statement of the actual receipts and expenditures of the past three months, which were facts and certain, and bearing directly on the opinions that should be formed of the next three, while it computes a deficit for the next three, in mere estimates, or conjectures, which are entirely uncertain. It next omits any statement, substantive and separate, of the whole computed expenditures under existing appropriations, exclusive of the debt, either for the whole of the year 1841, or for the part of it after our opponents came into power on the 4th of March, or for the ensuing three months. These statements would have been natural, and would have removed much doubt that now exists, in this document, on some of these important points. Equally useful and desirable would it have been to see a statement of the amount of debt which he supposes would be due, under existing appropriations, at the end of the next three months and at the end of the year; as, also, in conformity to opinions just expressed by me, the amount which he has recommended to be created this year, under new appropriations yet to be passed, whether for the ordinary session, or for capital to a fiscal bank, or any other object.

Why have all these important results been left uncomputed, and either entirely omitted, or so mixed up and confused with other matter that it would puzzle a sphinx to unriddle them to the satisfaction of every one, even of our opponents? If it does not, will any of them, or any one of the Committee of Ways and Means, now state to me what they suppose his opinions to be on either of these points, either judging from the report, or from personal communication? They are data much needed to facilitate forming a judgment on the correctness of some of his other computations. None can give them.

Let us, then, examine what we have got on the amount of those supposed deficits, and see what appears to be its character,—whether fully reliable, or otherwise. Are all the sums on which his calculations rest stated accurately by him and the President,—the latter, of course, taking his data from the former? Are there no material mistakes appearing on the face of the report and message, in matters connected with the deficit, as well as some of the general estimates and general conclusions? I speak not now of the mistakes, perhaps, in addition, or in printing, of quite a million in two places, nor of sums repeated and doubled; for such mistakes, as before remarked, may be entirely clerical, or typographical, and are not to be treated with harshness. But how is it as to other and material errors, that cannot, in the nature of things, have any such apology, and that bear directly on the examination before us? Thus, in the first place (2d page), the Secretary gives the balance of money on hand which he started with on the 4th of March, and which is one of his means to prevent a deficit. He states it at $572,718; but, on the third page, he states it

at $646,803, or a difference of $74,085; while he gives the balance to the President, who says (3d page) that he gets it "*from the report of the Secretary of the Treasury,*" at a third amount, different still, viz., $645,000.

Some explanation can perhaps be attempted for some of the differences, but it will be rather difficult to show that each of the three different balances, and all of them, can be correct. Certainly one of them, which is said to be taken from the Secretary's report, is not in the report now; and it cannot be pretended that any of them relate to different times, as each expressly refers to the 4th day of March.

Again: the Secretary makes the deficit for this year — a most important inquiry — to be $6,000,941, while the President has a statement to show it to be $11,406,000, or a difference of $5,406,059. These, also, refer to the same date or period. But if this error be admitted, and an explanation be offered that the President meant to include the debt not due till another year, but created in 1841, and omitted to be properly described, then this will be only exchanging one error for another, because the Secretary pronounces that debt and deficit to be $12,088,215, which is still a difference of $682,215 from the President. The items of the President, also, on this point, present still a third error, as they show a deficit of only $9,540,000, including treasury notes, or his difference from his aggregate statement of $1,866,000. Of this, I can imagine no explanation, which does not end in a new difference or blunder. The Secretary says, again, that there will be required, from the 1st of June to the 31st of August, "for the payment of treasury notes which will fall due within that time, and the interest thereon, about $2,756,900." This is one of the essential items to create his deficit. But the President, in his message, under date of the 1st of June, and of course covering exactly the same period to a day, says, "There will fall due, within the next three months, treasury notes of the issues of 1840, including interest, about $2,850,000." This makes a discrepancy of $93,100. There is no mistake in additions, or by clerks, and no different dates, but the same period embraced explicitly in both statements.

Again: the Secretary estimates the expenses for the next three months — a most material point — at $11,151,693, while the President is led to make them $11,340,000; and he explicitly adopts the same three months, from the 1st of June to the last of August. This is a difference of $188,307; and he makes another and second error here, in stating or putting his items together, of quite $96,000, as those stated equal only $11,244,000. I can divine no possible explanation for this, as it relates to expenditures, and not to receipts. The next and last mistake, in figures, on the face of the report and message, which I shall notice, is in the aggregate of the imputed deficit at the end of those three months,— the great object of our extraordinary call, and where accuracy was most eminently desirable. The Secretary calls it $5,251,388, while the President states it at $4,845,000, or a differ-

ence of $406,388; and there is also another difference between his items and his sum total, of $45,000. Now, I admit that here, and here for the first and only time, the President, as to the means on hand, speaks of the 28th of May, thus referring as to his balance and the amount of treasury notes on hand, when the Secretary refers to the 1st of June. But if we examine the items, and an allowance be made for that difference, it only plunges them into another error of $92,207, totally inexplicable. It leads, likewise, to the detection of still a third mistake, under this head, in the estimates of receipts for those three months. Both refer, then, to the same period and dates exactly; and yet the Secretary's receipts are $50,000 less than those stated by the President.

But I will pursue this scrutiny no further, though there be still other differences of some thousands of dollars, between their statement of the amount of treasury notes to be redeemed after the 4th of March and between the body of the report and the table annexed. Enough has been disclosed to show, what is my chief object in the exposure at all, how great haste and inattention have, from some cause or other, attended the preparation of this report, or the most material points in it, and attended the communication of the Secretary's results to the President as the data for the financial statements of the latter. This cutting down, and cutting up, and cutting aside, so much from the facts in figures, is cutting rather a poor figure. Certain it is, that all these contradictory results cannot be correct. The Senate will hardly be surprised, after this list of errors, and discrepancies, and contradictions,— many of them alone equalling in amount the whole State taxes of several States for several years,— to find that the Secretary appears also to have omitted separately, if not entirely, in his exhibit for the three months, the further expenses which the President includes separately for the census, amounting to $294,000, and for the year, both that and the expenses of this session; making an aggregate of $644,000. On the other hand, also, the President seems to have omitted separately, both in his statement for the three months as well as the year, the expenses for this session, which the Secretary includes separately for the three months, but omits wholly for the year. This amounts to another error of $350,000 in the message.

Of course, no improper design in this is imputed, though the topic of an extra session was doubtless a sore and an unpleasant one to the President, more especially as it is likely, in reality, to cost over half a million, and was not the offspring of his deliberations.

But the matter is alluded to merely as another illustration of the precipitancy and want of care evinced in reaching their important financial results, connected with the great objects of action at this session.

Is it probable, after this, that those results themselves are accurate, or anything approaching infallibility?

Is it not likely that the same or similar errors may have crept into these great results themselves, and the computations leading to them? But let us try and see the truth in the data — imperfect and questionable as they are — which have been placed before us.

In the first place, we will take the Secretary's "estimated deficit," as he calls it, for the whole year.

Now, one of the most important items in this, to swell it doubtfully, is the last one, being four millions of dollars for a surplus in the treasury. Can it be possible that the Secretary supposed we should blindly consider this a deficit, when the item is not a debt due to anybody, nor even an appropriation existing, but merely a sum which it would, in his opinion, be convenient to have on deposit in his new fiscal bank, to be used by it, without interest, at our expense? I shall not here enter into the wisdom of his recommendation, as it is enough to say, on this occasion, that the four millions is neither a debt nor a deficit that required this session to be held, and probably never will be one. We fall back, then, on the Secretary's previous "*debt and deficit, to be provided for in this and the ensuing year, of* $12,088,215." In the outset, as to this, it is admitted by him that $6,087,274 of the aggregate does not fall due till the ensuing year; and, consequently, no occasion existed for an extraordinary session now to fund it, or provide for its discharge. But, beside this, it is manifest that, if the temporary debt of about six millions, not due till next year, is all created this year, by issuing so many new treasury notes, it will be to pay off, among other charges before included in his aggregate for the next ten months after the 4th of March, nearly five millions of old treasury notes. Then, if you add the amount of the new notes to the debt or charges, you should subtract the old ones, which are nearly as great. We cannot owe for both at one and the same time. The balance remaining, then, being $6,000,941, is the only deficit which probably will exist at all, and certainly all which he considers as likely to press on the present year. The first fact noticeable in that is the incorporation into it of new appropriations asked for the war department, equalling $2,521,336. These may never be appropriated by Congress, and of course were no deficit in March last, nor are they now, nor need they have been the present year; and hence, in the present inquiry, should be deducted. This would leave less than three millions and a half.

Now, without dwelling on small matters, in swelling or inflating the estimated expenses of the year, under existing appropriations for the public service, independent of the redemption of treasury notes, I state, with confidence, that the Secretary has assumed an expenditure of the year higher than is usual in the new and permanent appropriations chargeable to this year, by quite four millions and a half. This is a million more than all which is left of his computed deficit for the year.

Thus the expenditures in any year will, as before remarked, gen-

erally fall short, rather than exceed, the aggregate of new and permanent appropriations for that year. I have traced them back for six or seven years, and the results are of that character, in the table before me, with only one exception. Again: in these volumes before me are the estimated expenditures of 1824, selected at random, and the estimated appropriations to be made, with the addition of the permanent ones, and the difference between them is only a few thousand dollars; and so near do they usually approach, that the estimate of expenditures, excluding the debt, was for a time identical, unless in some extraordinary event, that was explained, with what was computed to be the amount of the new and permanent appropriations. But has the Secretary, in estimating so as to find a deficit at the end of the year, respected, in the slightest degree, this guide of experience for half a century? No, sir; but, on the contrary, he has computed his expenditures under the existing appropriations, exclusive of the debt, at quite four and a half millions more than the amount of the new and permanent appropriations, that have become chargeable in 1841. There is no escape from this conclusion, and the force of it. Allowance may be made for some contingencies, and for some postponed appropriations from 1840 to 1841, under which one-fourth of a million more might otherwise have been expended in 1840. But they would not all materially swell the expenses much, if any, beyond twenty millions; and if they are pushed beyond that, as they may be, by hastening public works prematurely, or crowding sail in every section, at the request of this friend and that, in or out of Congress, and for all kinds of purposes,— getting out yearly as much public money as possible, by advances into the hands of contractors and disbursing agents, who place the money in favorite banks near,— then, I say, the deficit will be caused unnecessarily. It will be forced, whatever may be the impulse or motives, and will and should furnish no justification for complaint of the past administration on account of it, or a resort to this extraordinary session to provide for it.

It will, also, under this reform administration, increase the expenditures, under existing appropriations, three millions beyond the maximum intended by the last one; and, if we give the other new ones asked, will increase them six millions more, and, adding the debt the Secretary proposes to create for his surplus and new bank, will swell them to twenty-four millions higher than even that six.

But if twenty or twenty-one millions should be expended under any peculiar though unexplained circumstances in the year, which is one and a half to two and a half millions more than is justified by the experience of fifty years, the estimate is some millions too high, and there would still be no deficit, because the Secretary has included among his expenditures, to reduce treasury notes, an item of $1,110,611, with interest, equalling about $66,000, which notes are not due till next year; and so far from its being probable, as the Secretary supposes, that they may be paid in for duties prematurely, and before

due, the reverse is true, looking to the condition of the money market, so very easy, and the demand for these notes as an investment, so very great. They are worth here a quarter to three-fourths per cent. more than specie. But we have, in his own experience, a fact that these are not likely to be paid in, under such circumstances, because his own monthly return for the first of June exhibits but $80,000 paid in, of near four millions which had been issuing during the last three months. Thus, his own records prove that, in the ratio of this amount, not two hundred thousand dollars of the whole would probably straggle into the custom-houses and land offices till the next year, when they became due. Near a quarter of a million more in his aggregate, looking at the monthly return at the beginning of this year, is out and lost, or hoarded, or in circulation as currency, which, with the interest he has computed on them, will probably not constitute a charge the present year. Several thousand dollars of the issues even in the last war of 1812 are still out; so that, after making these deductions, and adding to his means the balance in the mint, which can be resorted to when necessary, and the additional sum due from banks for interest, &c., being about $150,000 more, and, gentlemen will see, that instead of a deficit, a very considerable balance would be in the treasury, without adding near a million from duties and lands, which the Secretary has probably under-estimated. To that, however, we will advert more, soon. But the Secretary would, under this economical administration, defeat all this, and spend twenty-six millions in 1841, when the past extravagant administration proposed to expend only twenty millions, at the utmost. The past administration was, in and out of Congress, and by candidates for very high offices, assailed as wastefully expending forty to fifty millions a year, when, in reality, it never expended, in the usual and true meaning of the term, excluding trusts, more than between thirty-two and thirty-three millions; and reduced the expenses, from that amount, as low as twenty-three millions. Yet, those who belied them, in this respect, over the whole country, instead of reducing them to the eighteen or twenty we proposed, or the thirteen they promised, are now trying to run them up to more than twice this last amount, by pushing rapidly all expenditures, and making enormous new appropriations, and by asking leave to incur a debt beside, on their own account and for their own schemes, exceeding twenty-four millions more.

Indeed, the senator from Kentucky, in a memorial that he presented from Georgia, a few days ago, endorsed and approved its views, where the expenditures heretofore yearly were again exaggerated to forty or fifty millions; when, in truth, they never nominally reached even forty, nor really, excluding trusts, ever reached thirty-three millions; and when, as just observed, they had become reduced, in 1840, to only twenty-three millions, and in 1841 were intended to be not above twenty millions.

The Georgia memorial, become important only by that senator's

approval of its contents, asked to have them reduced to thirteen or fifteen millions.

Now, are this report and its recommendations the first illustration of the sincerity in our opponents, as to such a reduction? Is it to be effected, as the report recommends, by augmenting our expenses to ten or twelve millions beyond even the fifteen which is to be their maximum? Is this their mode of fulfilling such promises to the people? But enough of this, at present.

I pass on then, sir, to the only other and most material deficit, estimated, for the next three months, by the President, at $4,845,000, and by the Secretary, at $5,251,388. This is the great point upon which the session, in a financial view, is to be vindicated or fail. If either of those amounts was likely to be needed as early as September, in the usual administration of the treasury, in frugal and vigilant attention to prevent such a calamity, rather than to hasten it, then I admit that the public faith ought to be protected, and proper measures be seasonably adopted for that purpose. But this should not be allowed unnecessarily, and especially after Congress had just been in session, and provided all it deemed proper to be expended, and no new facts or disclosures, material to this question, had been made since their adjournment. Much can be accomplished, to prevent unnecessary advances and premature expenditures, by attention to this subject in the head of the department, whose imperious duty it is to guard well the public treasure against being called out before needed, or in a manner apparently inconsiderate, precipitant and dangerous; and when he entertains doubts on these points, to state them, if required, to prevent waste, — to have the moral courage to remonstrate in the proper quarter.

In reaching the result that a large deficit must happen by September, it is, by this time, I think, deemed possible, if not probable, that the Secretary may have fallen into some mistakes, from his wishes and anxiety to find some apology for our early meeting. He naturally would feel inclined, when any plausible data existed, to increase the expected amount of expenses, and lessen the expected amount of receipts. This, we have already seen, would be characteristic.

In examining the grounds of his supposed *deficit* for the next three months, as bearing on the necessity for our early call here, and for funding and making a national debt in consequence, and of a high tariff, — some of the most important measures submitted for our action, — it is proper to be accurate as possible. The result, if showing a real deficit of five to six millions, is the great pivot of the present session. If showing none, we certainly ought not to have been now called from our homes, and might usefully adjourn to-morrow. What, then, was likely to be the deficit, when we were summoned, or when we met? Many would infer, from the report and the message, that it was near five millions of dollars. The President says, — "Leaving a probable deficit, on the 1st of September next, of about $4,845,000." The

Secretary says, — "Leaving a deficit of $5,251,388.30." In this difference or disagreement, of more than four hundred thousand dollars, it will be courteous and liberal to consider it between them; first, at the President's estimate, and then at the Secretary's.

But it will be observed, in the outset, that this is not the deficit which has occurred, or is likely to occur, under existing appropriations; but it is one which those officers expect to have, if you will authorize further new expenditures, and also, according to the Secretary, insert among them, to make a deficit to justify an extra session, the expenses expected to be incurred by holding that very session.

Let us, then, deduct, first, from the $4,845,000, all the new appropriations not yet made, but which the Secretary asks you to make. The census is estimated at $294,000, the extra session at $350,000, and the wants of the war department at $2,521,336. These make $3,165,336, and would leave $1,679,664.

If it be said that it is not clear, from the message, nor even the lucid report, that the new war department expenses are included, then I say that the expenses estimated for the war department, under old appropriations alone, are quite this amount too high. They are, in the Secretary's report, estimated at $4,591,098, which would be at the rate of $18,364,392 per year, for that department alone; when they should not be over ten or eleven millions. So the President's expenditure of $8,100,000 for "the current service" in those three months would be equally too high, as it would be at the rate, for the current service alone, of more than $32,000,000 for the year.

It is immaterial, therefore, as to the result, which hypothesis is the true one, under the want of certainty that exists.

Deducting this amount of appropriations not yet made, or a manifest over-estimate of expenditure under the existing appropriations for the current service, and the whole deficit on the face of the report dwindles down, as before stated, to only $1,679,664. But the Secretary admits that the treasury notes to be redeemed are not so high as the President states them to be by $93,100; deduct that, and there is left only $1,586,564.

I shall next proceed to show that, by inadvertence, the Secretary has himself probably computed the old treasury notes that will be redeemed in the next three months too high by quite a million of dollars.

Thus, by the monthly report, published on the 1st instant, the aggregate of treasury notes out and issued under the old acts, and not the present one, was $3,981,000. Of these we have before shown that there were issued, between the 1st of January and the 4th of March, and of course not falling due in the next three months, near $1,110,000. It appears, also, from another part of the Secretary's report, that of these were issued, between the 4th of March and the 30th, under the old law, about $413,000. We have before estimated, and stated facts in the actual returns as evidence of it, that at least

one-fourth of a million of these are old notes, lost and in circulation, which will probably not be presented for payment at all in 1841. This, without interest, would be near $240,000. It further appears, from the monthly statements in last September, October, November, December, and January, that in the last four months of the last year there were issued, which will not fall due till after the 1st of September, 1841, treasury notes equal to $670,000. Now, supposing these all to remain out till due, as is probable, and the whole, with those not likely to be presented, constitutes an aggregate of $2,433,000, which will not, on their face, be payable and presented in the next three months. Deduct this from all the old notes out on the 1st of June, and it would leave but $1,548,000, and interest on the sum, about $90,000, to be redeemed in the next three months, instead of $2,850,000, including interest.

The error of the Secretary has probably arisen from supposing that most of those issued in the corresponding months in 1840 were still out, when it is likely that, in the pressure for money last fall and winter, when the United States Bank was pursuing its extraordinary course towards New York, many of the treasury notes before issued were paid in for duties. Add interest on the above amount, and allowing beside near $200,000 for any contingencies as to other notes being paid in prematurely, &c. &c., and the million excess is probable, and, if deducted from the residue of the deficit, leaves of the whole but $586,574. But when we advert next to the estimated receipts for the next three months, it immediately appears that those from customs are estimated below the Secretary's own average, for the last ten months of 1841, quite $600,000, and the lands quite $50,000.

Correcting this error on his own data,—and we know that July is to be one of the largest months in this year for receipts from duties, in consequence of the very large imports, in January, on three and six months' credit, and that very large quantities of land are advertised to be sold in June,—and the whole estimated deficit has disappeared, and a balance would be left in the treasury of $63,426.

If, from the circumstances just mentioned, the receipts be increased near half a million higher, which is probable, for the three months, from lands and duties, and there be collected, as might be, $150,000 more from banks than is estimated in these three months, and the balance in the treasury on the 1st of September would be near three-fourths of a million.

From another part of the report it appears that there would be in the mint, besides, which could be used if found necessary, $180,199; and we know that the actual receipts at this date, on the first of June, not then returned to the department, which are afterwards returned, and can be used, will be usually $100,000 to $150,000 more, or enough to make $300,000. These last items amount to nearly as much as the deficit of the Secretary exceeds that of the President. So

that, taking either as the correct ground of calculation, there would, under these expenditures, be no deficit whatever, but, in the President's aggregate, a balance on hand of more than a million of dollars, and in the Secretary's, of near three-fourths of a million.

To be sure, as before intimated, this balance can be prevented from accruing, if the executive departments, and those under them, push expenditures faster than is usual or legitimate,—and they probably have been pushed so, during the last three months,—or if we authorize, at this session, the new expenditures desired, by means of new appropriations. But such a result as a deficit of five or six millions is otherwise not likely, and hardly possible, by the first of September, unless the receipts are kept down below what is natural, by not advertising lands for sale, or by further measures checking still more our foreign commerce, and destroying what is left, since the United States Bank explosion, of our foreign credit. Indeed, the receipts for the next three months, as well as for the year, have been estimated by me but a little higher than by the Secretary himself. That little, I think, he ought, in only ordinary liberality, to concede, under all the circumstances.

Thus he omits near $200,000 interest due from banks, and about $80,000 due from the United States Bank. This last, it seems, by an answer to our new call, is now to be nullified by some new account, trumped up since the 4th of March, and the *restoration*, I suppose, of new principles, which the Secretary, in another place, dwells on with such complacency. He may collect neither of these, if he pleases not to do his duty; but they are all due, and should be estimated and collected, unless Congress otherwise directs.

He also estimates the receipts from customs, during the whole year, nearly five millions less than the most intelligent merchants, collectors, and subordinate officers in the treasury, did last December, provided the banks resumed, and business took half the magical impulse which many of the politicians of the country predicted.

But I concede that they did not resume, except to a limited extent; and that most of those resuming soon after suspended again, and have been so dependent on the United States Bank of Pennsylvania, and so injured by her malconduct, as, with that, to blast, in some measure, the reviving prospects of trade, growing out of the laws of trade, and not political elections, and to destroy much of our credit abroad, which existed last December. Some allowances were suggested, in the annual report in December last, as proper to be made, in case of the banks not resuming, though sanguine politicians professed to believe that the election alone of a new President would, at all events, act like electricity on commerce, and swell our business and revenue to the highest pitch.

One of them, and no careless or circumscribed observer, said:

"The fact of his election (*William Henry Harrison*) alone, *without reference* to the *measures* of his administration, will *powerfully* contribute to the *security and happiness of the people*. It will bring assurance of the cessation of that long series

of disastrous experiments which have so greatly afflicted the people. CONFIDENCE will IMMEDIATELY REVIVE, *credit will be restored, active business will return, PRICES of products will RISE; and the people will feel and know that, instead of their servants being occupied in devising measures for their ruin and destruction, they will be assiduously employed in promoting their welfare and prosperity.*" — *Speech of Henry Clay, at Hanover, July* 10, 1840.

Similar political prophecies were numerous. But the election came, virtually, in November and December, but without any of the revival in prices the public had previously been led to expect, and none of the new impulses to commerce, from political events, which had been so confidently predicted.

The increase of importations would have occurred in January, from the great laws of trade, whoever had been elected President; and it would have been checked again in February, as it was, whoever was or was to be President, by the same great laws, violated, as they were, through the conduct of the United States Bank, spreading ruin, for a time, among many in great classes in both hemispheres. Disappointed by the election in its promised fruits, and likely to be desecrated as false prophets, it was next pretended that it was necessary to have actual possession of office in all its ramifications before a millennium in these matters was to be complete. Then even the sanguine hopes, as to imports, cherished in December, would be exceeded. That, too, has come; offices innumerable have been seized on as the spoils of victory, and yet prices and business are somewhat obstinate about changing for the better; and now it is *new measures*, new legislation, which is to swell the tide of glory, and work the great reform and revival. Where political quackery is to end, on these topics, remains to be seen; but as the measures of relief can now be adopted to any extent desired,— as not only the election has been consummated near half a year; the conquered trophies of office enjoyed for near a quarter of a year; all the alleged leaks in the treasury, it is to be presumed, stopped; all defaults prevented; and those magical Sibylline new books opened, which were to effect such miracles in finance,— I think the Secretary might be a little more generous in respect to his estimate of receipts for the next three months, as well as the rest of the year. The President is kind enough to anticipate a revival of prosperity, though omitting to increase the revenue any on account of it; and the Secretary should assuredly allow from half a million to a million more in this year for receipts, if he believes a tithe of the predictions of those around him, as to the sudden and wondrous increase of prices and business which their mere advent to power, and, beside this, their wise measures, were to produce. If this increase do not forthwith come, it certainly will not be for the want of political power to remove any political objections, and for want of political nostrums in abundance to cure all kinds of evils. But it will rather be because the United States Bank, like the dying whale or leviathan, has, in its death-flurry, wounded or destroyed most of the credit and business of a large

part of the country. It must be that the gambling speculations, and gross over-trading and over-banking, which have led to her ruin, have been too deeply seated, too corrupting, and too much intermingled in the whole pursuits of our people, either to have been caused by the politics of one President being democratic, or to be cured by those of another being federal.

By the time of the next meeting of this body, we shall be able to see whether the present additional patent medicines, now proposed for relief of all kinds, are successful, or are to be followed by some new political *panacea*, and the political millennium to come which is again and again postponed, notwithstanding all the confident whig prophecies to the contrary.

I have done with the expenditures and receipts, with deficits and debts, and next will advert to the measures of relief proposed to get rid of any deposits or debts, which the Secretary calculates to exist in such inflated, exaggerated amounts.

The General Government, the States, and the people, are all represented, by him and by the President, to be in a most suffering condition; and, not contented to administer advice to the patient placed in their charge by the constitution, viz., the General Government, they embrace in their benevolent plans all the disorders of the State Governments, and all the ills which flesh is heir to among the people at large. Some brief views on their extended system of legislating for almost everybody and everything,—on the character and propriety of these extraordinary measures of relief,—and I shall relieve the Senate from any further attention to me on this occasion.

The first prominent feature in the relief proposed is to magnify its extent and importance in all possible ways; like many physicians, who never attempt to cure the smallest scratch or slightest fever, without seeking to persuade the patient and his friends that lock-jaws, choleras, and all other horrors, have been escaped, by resorting to their skill and aid.

The next is, when the General Government is represented to be embarrassed, and overloaded with monstrous debts and deficits, to begin and take from it three millions of its present resources. Not to take from it a surplus,—relieve it of an incumbrance; but, while debilitated, as they say, struggling with exhaustion, to bleed it three millions more.

Not satisfied with this, the next wise proposition is to take from it even nine millions more, and to give it to those States who are at this moment indebted to it over twenty-eight millions, and who, so far from having any claim to this nine millions as a debt due, are bound, in law and common honesty, and by their plighted faith, to pay us back, in this exigency, the whole of that twenty-eight millions. This giving away of twelve millions by us, when represented to be much in debt, that should be paid,—this "new way of paying old debts,"—is one so sagacious and profound as never to have occurred to the author

of the play under that title. It is left to the present administration, as one of its glories, to have made the great discovery.

The next unique or peculiar feature in the measures proposed is to grow rich by banking on borrowed capital. This is the sovereign remedy, and proposed and elaborated in supplemental reports, with much gravity, notwithstanding the monuments of ruin now standing before us, from similar quack experiments, in Michigan, in Mississippi, and, it is to be feared, in several other States; and which identical kind of effort to grow rich in a new way has brought on them most of the evils we are advised to help remove by precisely the same kind of hazardous and ruinous experiment.

Another feature running through the whole of these rare schemes is, that we are to raise the wind, not for one alone, but for the whole of them at first, by means of the boasted modern credit system. Not by any present surplus, for they pretend there is a deficiency; not by retaining all our present revenues, for many of those they propose to give away; not by reducing our expenditures, for those they recommend to increase; but by overloading this already embarrassed government, as they call it, and this already ruined people, as they pretend, and all their posterity for ages, with an immense permanent national debt, in a period of profound peace with all foreign nations.

Yes, one of the most striking elements in these recommendations, not yet enlarged on, is, after denouncing the past administration as wasteful, with expenses only twenty-three millions last year, and proposed to be not over twenty this year, and yet profess to practise retrenchment and reform, by increasing these expenses to twenty-six millions, and to relieve the public suffering by adding to the debt millions on millions, for the most dangerous and reckless experiment in public banking that has occurred since the Mississippi scheme of John Law, more than a century ago. If our new plans in this report reach Europe, and are there *understandable*, I think we shall obtain the high reputation of being very Solomons in wisdom as to monied matters, and shall succeed, as we ought on such bases, in obtaining their liberal loans.

The whole, sir, is wrong in fundamental principles. I would call it, except for the high source whence it emanated, a system of most wretched quackery in both politics and finance. It savors of the Biddle school throughout.

We should begin, as well as end, in economy. We should resort to old-fashioned frugality in expenses, old-fashioned thrift by industry. We should begin, as well as advance, by saving and labor, by holding on to our present resources, keeping what we have already got, and instead of giving them away like the spendthrift, obtaining more, so far as our real wants require, and as can be raised without proving too burthensome to the people.

As the Georgia memorial justly prays, we should reduce rather than increase expenses; and the financial committees could not too

soon call on the President and Secretary for specific plans and items for reduction, so as to bring down the aggregate to the thirteen or fifteen millions approved by that memorial and the senator from Kentucky. There is not a single case pointed out, in either, for retrenchment. Let them practise what they preach. Let us not have economy merely in speeches, but extravagance in votes,—reform in generals, but waste in all particulars. Let us not begin, as at this session, with a proposal to increase judicial salaries,—as at the last session of the Senate after the fourth of March, with putting officers on salaries with no duties for months to perform, and with advocating additional allowances to others. Above all, sir, let us not resort to the miserable shifts of desperate debtors, by kiting and new loans, to postpone, merely, the evil day, but to increase greatly, in the end, the debt; and then most complacently concur with the Secretary, in this report, that such is one of his "*early and effectual measures to prevent the further augmentation of the debt.*"

He is also to "prevent this further augmentation of the debt" by paying away, as before remarked, three millions of our resources from lands and nine millions as a fourth instalment, and supply the amount of them by a new loan, or increased debt, to the amount of twelve millions of dollars. He is to do this, too, when it is apparent as the dome on your capitol that they have no claim on us for a dollar due as a debt, but really owe us something like twenty-eight millions. The President is a Virginian, and not quite so loose or flat, and, therefore, does not pretend they have any such claim. Did it never occur to the Secretary that, if there was any pretence to justify a payment of this nine millions to them as a deposite, it would be much easier, and just, and prudent, to pay it according to the views of a plain Yankee, by deducting it from the twenty-eight millions they now owe us, and holding them liable for only the balance?

This would be rather more of an "*early and effectual measure to prevent the augmentation* of the debt," than to place in a debtor's hands still more money, without interest, and to procure it by additional borrowing, on interest. It is vain to expect more surpluses to aid us. It was quite as vain to expect them, when the present Secretary of War lost a fortification bill, by insisting on placing a rider in it to make a second distribution of millions on his estimates, while he censured others for erroneous estimates tending to show none were likely to occur.

It is equally vain to expect *relief from a national bank* of any kind, aside from its unconstitutionality and dangers to public liberty. I will merely say, as to the constitutional question, that the State rights man, or democrat of 1798, who can swallow this new Fiscal Bank as constitutional, could swallow both Jonah and the whale, as easy as the whale did Jonah alone.

Was the new fiscal agent of the President and the national bank of the Secretary, deemed by them free from constitutional objections,

one and the same institution in form and substance? Or is one an animal without claws, and the other, as explained to us in the special report, the old hyena or tigress, with power to issue, circulate, and discount notes, as well as take deposites,—with power to act out of the District of Columbia, and for other portions of the Union, if they please, as well as for this District, and thus involving all the old objections to its violation of the constitution? As well might we appropriate millions for paupers, roads and jails, in the District of Columbia, with authority to pay a certain proportion of it to such of the States as might agree to take it, and call the result constitutional. The consent or dissent of the States, unless for altering the constitution in the prescribed mode, can never make an act or a charter constitutional, which would otherwise be unconstitutional. It would be irrelevant and absurd. Accordingly, in the last clause of the prepared charter, in his supplemental report, he nullifies this provision about the assent of the States, by empowering Congress to push the bank where it pleases, and thus involving all the power exercised in the old charters.

But, as before remarked, I do not mean to argue here the constitutionality of this measure of relief which the Secretary proposes, or even its expediency, further than to say this: that the new Fiscal Bank, with twenty millions of its capital furnished by us, as is involved in the project, and that to be controlled by a board of politicians here, under the eyes and nose of the executive, will be, in the nature of things, and by examples in several States as to their public banks, loaned almost exclusively to politicians and office-holders, large and small, and thus the great danger of executive influence be increased four-fold, and much of the public treasure exposed to be irretrievably lost. And, finally, by locating the mother bank here, instead of a sub-treasury, for a fiscal agent, because the latter, in the Secretary's wisdom, improperly concentrated the surplus funds at New York,—if he means to cart the spare specie hither, or distribute it across the Alleghanies, he will justly be obnoxious to the censures of his own political party. One of his own presses says, "*He would thus wage a continual war with well-known useful and salutary commercial laws;*" and that he would thus make his "official pockets *as empty as his ideas are jejune.*" A man, they justly say, is not born a financier or a Secretary; and must take much pains to inform himself, before he catechises others, or dashes into absurdities, as if he knew everything by instinct or intuition.

Another intelligent whig banker writes to me, in a letter from which I quote:

"The precious metals (says the writer) must be so arranged and placed as to save a great amount of labor. The great saving is in having them so situated that they can pay balances, instead of sides of account.

"At a central point of commerce, large districts of country can settle their balances without any movement of the metals. The world, for great operations, can revolve

round London ; the United States round New York ; New England round Boston. All perfect as operations are limited or expanded. The economy is in perfecting settlements without any movement of the metals. The saving is in time, risk, and transportation. The metals, to do this, must be concentrated."

And where, let me ask common sense, the laws of trade, and fiscal experience? At New York, the London of America. At New York, where nearly two-thirds of the whole of our revenue is collected, and perhaps more than that proportion of our imports and commerce concentrated; and not at this great legislative and political emporium, but which, with all its just fame for hospitality and fashion, has not so many vessels as it has hacks, nor so much revenue from customs as will pay for the cigars smoked here.

But, in the face of this, the new Fiscal Bank of the Secretary, which is to relieve the exchanges, and commerce, and the finances, is to be located where neither of the two former hardly exist at all, and almost none of the latter accrues, instead of being located at the centre and heart of our whole commercial as well as banking and fiscal operations.

But there is a charm, I suppose, with the paltry change of name from National or United States Bank to *Fiscal Bank;* and this change is to remove, I suppose, all constitutional difficulties. I trust that no real democrat of the school of '98, no State rights politician, can be gulled by any such simpleton measure, and especially when the great horror of the Secretary's friends last year was a real fiscal bank, or treasury or government bank, and some of their lofty banners and log-cabin carousals were inscribed, "*No Government Bank.*" Such is a part of the "relief to be anticipated," of which the President speaks; such is one of the "*measures of restoration and relief*" recommended by the Secretary. "*Restoration!*" Yes, I fear that not only the Bourbons are restored, but all their old and exploded principles. But no more of this now. I am talking too long, I fear, on some of these marvellous plans for relief.

Let me end, then, by a summary in respect to them, in their different aspects, as measures to relieve individuals — to relieve States — to relieve the General Government.

1. It proposes to relieve *individuals*, not by recommending any bankrupt law, nor by the President's recommending any,— which, however objectionable in many other respects, would certainly relieve one class in society, the debtors, but entirely at the expense of another class, the creditors; — nor is one of the usual modes of relief recommended, by reducing the tariff and taxes, nor another, by lessening the burthen of any public debt pressing on them; but by the increase of taxes, or the tariff, something like eight or ten millions, and by increasing the debt some fifteen or twenty millions more. This, too, when these individuals are represented to be already suffering under heavy expenditures, and burthened and broken down by the mad measures

of the past administration. So much for the kind of relief proposed to individuals.

2. It next proposes to relieve the States, by giving them three millions in distribution from the lands, and taking back from them, on this account, from three to four millions, by increased taxation and a higher tariff. This is contained in the Secretary's supplemental report, and strongly in the President's message, as one of the measures by which the country may once more return "to a state of prosperity." Yes, the States receiving this three millions, not from an existing surplus, but to be supplied, in fact, by new taxes, under an increased tariff, are to find in it a return to a state of prosperity; because they will be forced to pay back to the General Government, in additional duties, not only all they received, — pay back with one hand what they received in the other,—but pay back near a million more, to cover the expenses and losses of collecting and distributing it. Unfortunately, too, the President, though commendably disclaiming the constitutional power to assume State debts, or pay for them out of the revenue from duties, justifies this distribution of the public lands, as virtually within the object of the original cession of them from the States.

In haste or inadvertence, he overlooks the fact, that immense quantities of these lands were never ceded by the States, but purchased by us of foreign nations, and paid for out of the duties; because the net receipts from all the lands since 1789 are not yet equal to the expenditures connected with them by eight or ten millions of dollars. He forgets, then, that, in distributing the proceeds of sales in Iowa, Missouri, Arkansas, Louisiana and Florida,—more than half the present proceeds,—we are virtually distributing the proceeds of the duties paid for them, and to this extent assuming State debts. I can but entreat the indebted States themselves also to see if they are to get by this three millions such means of extinguishing their debts as the President had hastily supposed.

Let the indebted States look to the operation of this mode of relief. One million, out of the three, must go to the States which are not in debt; of the two millions distributed to the indebted States, one million will be absorbed in new works, repairs of old works, &c., and one million will be left for the payment of interest — one-twelfth of the whole amount of the annual interest due from the States. What sort of relief is this? They must, in this condition, resort to their own retrenchment, industry, and resources, their own prudence and energies, if the three millions are given, or never get their financial wagon out of the mire. They may call on Jupiter till doomsday; and if they insist on permitting Gettysburg tapeworm roads to help straight ones elsewhere, to begin a dozen new and unimportant canals to assist forward one useful work, and thus never complete any of them,—and if they are constantly looking to others for loans, donations, and charitable alms, as relief, — they will remain dis-

tressed much longer than the commencement of this and the other numerous relief measures of this relief administration.

Another new project for their relief, proposed by the Secretary, was to pay the States the fourth instalment under the deposite act of 1836. To *pay* the States? We owe them nothing. We deposited with them twenty-eight millions, to be returned when called for; and the Secretary, instead of calling for the return of the money, when the exigencies of the country require it, proposes to give them nine millions more. Was there any surplus from which this sum was to be taken? No. The money must be obtained by increased taxation, or a large burthensome debt. What relief was there, then, in this operation? We take nine millions from the treasury, and, to replace it, with the expenses of collection, &c., we must draw ten millions, or more, from the pockets of the people, by duties or other taxes.

The only true means of relief are industry, frugality, and economy, — not wild schemes of distribution. The former distribution or deposite scheme, by which the States got twenty-eight millions, was the greatest curse that ever befell them, as it led them into all kinds of extravagances and follies; the effects of which would, in some degree, be felt for ages.

And, if the value of State stocks be raised in the end, after infinite distress, it will not be for the benefit of the States, whose agents have sold some of them at thirty and forty per cent. sacrifice, but to the benefit, or relief and profit, of the nabob speculators on both sides of the Atlantic, who have already bought them at a discount almost equal to the old soldiers' certificates.

Coupled with this kind of relief to the States, is the further operation of the other project of relief to them, in respect to their currency, through the new Fiscal National Bank, of thirty or fifty millions of capital, which will rob their State institutions of most of the specie they have left; break most of the sound banks now in operation, where it can, as it did in the west and south-west, from 1819 to 1824; strip them of their legitimate business and profits; reduce prices, as it did then, ten or twenty per cent. more, and bring to the hammer and to ruin half the property left of those in any way indebted. To disregard this, is to let all historical warning be lost, and the lessons of wisdom taught in our own annals be no more useful than an old almanac.

But, beyond and over all this in peril to the States, by asking and receiving such relief from the General Government as donations, instalments, and largesses of all kinds, is the radical and fatal change thus introduced in their relations to that government. They are, by such a relief, to be made dependants on the General Government, instead of living, as now, independent. They are to become slaves instead of masters,—to creep and cringe, and bow here, to obtain their yearly supplies; and thus, for a mess of pottage, for which they, in another way, are made to pay more than the value, must submit to be

stripped of all their relative power, control, and sovereignty. In shunning Charybdis, you are wrecked on Scylla.

You could remedy a single loss of a few thousands, or even millions, of money, as the hair cut off will grow again. But when you introduce a new principle into the system, erroneous, poisonous, pestilential, how is it to be resisted by the very party overcome and prostrated by its corrupting influences? How can you easily rouse once more, in the willing slave, all the proud feelings and aspirations of the free? How can the lofty twenty-six sovereignties that compose this Union, after once succumbing and truckling to the General Government, and demeaning themselves to receive bread and alms at its hands,—how can they ever regain their pristine supremacy, and control the encroachments and usurpations of the great central consolidated power, to which they have bent the knee of dependence and homage?

A great central consolidated power, thus wielding both the purse and the sword, and thus armed with its fiscal agent, and capital enough at its disposal to bribe half a continent, is, to be sure, to lord it here, over abject States; but time only can show whether it is not to be controlled and to move itself, by the slightest nod of those merchant kings, or monied monarchs, on whichever side of the Atlantic, whose influences to raise the prices of their State stocks can make palatable measures so fatal to the liberties and independence of the whole country.

So much for the relief to the States.

The measures proposed in this report are lastly advocated on account of the relief they are likely to bring to the General Government, pretended to be involved in debt and wasteful expenditure, though it has paid every due promptly and in specie, and is in so high credit as to be sought for as a guarantee by others. It is to relieve this government by *stripping it* of three millions of its present *revenues;* by adding many millions to its *expenses;* by creating a large and permanent *national debt* of twenty to forty millions; by virtually giving nine millions more, in the fourth instalment, to the States; and by repealing, in the sub-treasury, the great barrier against the use of non-specie-paying banks, and depreciated, irredeemable bank paper, to destroy our credit, and cause public as well as private losses to an incalculable amount.

This is the relief to the General Government.

I, for one, say, as respects my individual State, or United States relations, I ask no such political nostrums,—no relief, except in the old-fashioned mode of greater frugality in expenses, greater aversion to and freedom from debt, greater industry, temperance, and morality in society; and much less do I ask for any of the kinds of relief which this extraordinary report and its extraordinary recommendations would bring to us.

And if the brave Granite Republic, whose interests I have the honor to represent in part here, should deem it inexpedient, unconsti-

tutional, or dangerous to public liberty, to approve these measures,— and should refuse to accept of beggarly and insulting alms, which she never asked for, and which are to be wrung from the hard earnings of her own people, and by increased taxes on their own comforts, if not necessaries of life,— let me tell you, sir, that she will not be cajoled nor dragooned into acquiescence, by being told, as she is, in one clause of the Secretary's reformed bank charter, that you will still force from her this tributary tax, and bestow the proceeds on others, more supple and menial.

STATE OF THE NATIONAL TREASURY.*

It would seem, sir, from the pause in this debate, that the motion to print is about to be put. But, as the objection to it was first offered by me, with a view to expose some of the numerous errors with which the report abounds, and as the senator from Maine has replied to a portion of my remarks, it might be supposed that I acquiesced in the sufficiency of his explanations, if I did not now express a contrary opinion.

I hasten, therefore, to say, sir, that his explanations are not satisfactory, either as to details or general principles. They do not attempt to answer my exposition of several of the most glaring mistakes in the report; and, in almost every instance where any attempt is made, it fails entirely, or plunges the Secretary into a new difficulty. One cause of the embarrassment of the senator, as to details, arises from their inherent irreconcilable character, and another from the hasty and inadvertent manner in which many of them have been presented by the Secretary, whether in the report or in the fiscal portion of the message. Hence, taking the explanations given, still the whole discrepancies and contradictions, as respects the figures, are only changed to new amounts, but not entirely removed in a solitary case.

In truth, there is no way possible to reconcile many of the variations, and it might be as prudent for him, first as last, to admit them to be clearly inexplicable.

In the next place, as to the great general conclusions in the report concerning deficits and debt, there is no easy mode of removing the whole doubt about their true amount, because the Secretary has

* A speech in reply to Mr. Evans, on the motion to print an extra number of the Report of the Secretary of the Treasury; delivered in the United States Senate, June 18, 1841.

mingled and confounded several items, which should have been kept perfectly apart.

I am not surprised, therefore, that the learned senator, with all his experience on a financial committee, has met with no better success in bringing light out of darkness, or groping a way out of the labyrinth.

Thus, for one instance: the Secretary, in order to give an inflated appearance to the aggregate of appropriations not spent on the 4th of March last, and of the expenditures likely to happen under them during 1841, has first jumbled together what should have been, and usually is, stated separately,— the appropriations and expenditures for the current service, and those for treasury notes. Thus, at the start, he probably deceived and misled even himself, in respect to the exaggerated amount of some of his results.

If he had kept them distinct, as is customary, most palpably there would not have been so much trouble in ascertaining their amount, their urgency, and the necessity there was for the call of an extra session of Congress. What we wanted to know was, whether, if the expenditures were confined to existing appropriations, there would be a deficit in the treasury; and whether we were called together, at this inconvenient season of the year, and at so much expense to the States and the Union, to supply a deficiency occasioned by the old administration, or to be occasioned by adopting the recommendations of the new one. The Secretary does not say, as any business man would say, in a similar situation in private life, "I owe so much; and I want to spend, in addition, so much." If he had done so, he would have found that his estimates of expenditures, under the old or existing appropriations, were too high, by five millions of dollars.

He proposes to expend twenty-three millions, whereas the appropriations by Congress, for the service of the year, were but about eighteen millions. Now, he (Mr. W.) would assert, without fear of contradiction, that a reference to the records of the department would show scarcely a single instance, for the last twenty-six years, where the expenditures of the year exceeded by one million of dollars the amount of new and permanent appropriations by Congress for that year. And yet the Secretary proposes to expend, during the present year, near five millions of dollars more than the appropriations already made by Congress for the whole year.

Mr. Woodbury then quoted, from an official document, the appropriations and expenditures for a number of years back, which showed that in every year except 1839 (which was about one million the other way) the expenditures were considerably less than the new and permanent appropriations; and said that it was the invariable practice of the department, formerly, to take the amount of the new and permanent appropriations as their estimate of the amount of expenditures for the year. He ventured to assert that, from Hamilton to Gallatin, and from Gallatin to Duane, this would be found to have been the practice; and yet the present Secretary has, at one bound, estimated his

expenditures at five millions more than the appropriations for the whole year. This amount of expenditure cannot be effected in any legitimate way; it can only be done by hastening appropriations into expenditures, without any regard to public economy, or by putting large amounts into the hands of disbursing officers, who will deposit it in banks which want the use of the public funds, and there the money will be banked on, and furnish accommodation to speculators and politicians, in and out of Congress. Now, this mode of hastening expenditures, for the mere purpose of creating a deficit in the treasury at the end of the year, was, in his opinion, neither wise nor expedient. There was also a way of diminishing the receipts of the treasury. These might be affected, to a considerable extent, by the advice given by the Secretary to the President in relation to the public lands. He (Mr. Woodbury) would ask how many public land sales had been advertised by the new administration, during the three months that it has been in power. Have there been ten? have there been five? have there been three? Whereas, in the same period, during the preceding administration, you will find nearly twenty. But the nursing of his resources, and the curtailment of his expenditures, may have been prevented by other pressing and more important avocations of the Secretary; he has, as Bolingbroke said, on his accession to power, in the quotation made the other day, friends at his elbow to reward, and enemies to punish; and, to do this efficiently, he has called in a star chamber inquisition to his aid.

How he and the rest of the administration are to prosper under it, in this land of courts and juries, — of accusations to be first drawn up and notice given, of witnesses to confront the accused, and of a previous hearing by counsel, before condemnation, — how all this new importation from European despotisms, into our republican system, is to work in our boasted land of liberty and laws, remains yet to be seen.

Had the report stated the aggregate of existing appropriations for the current service on the 4th of March distinct from those for the redemption of treasury notes, had it kept those already made distinct from those he wished to be made in future, and had it preserved all those to be expended in the next three months distinct under each general head, the Secretary would probably have been struck with the unusual amount of some of them, and detected the exaggeration. He must have started back at some of the strange results, and discovered the over-estimates put on him by other officers, or fallen into carelessly, through his own hasty and confused manner of mixing up matters wholly separate in their character.

Another illustration, besides that formerly given as to the mistakes of the Secretary, in relation to the expenses under existing appropriations for the year, lays in almost a nutshell. In the statement, it will be perceived, I have used only round numbers.

Thus the year 1841 began with available funds in money, including

what was in the mint, equal to near $1,000,000. There were received from customs in two months, and estimated by him to be afterwards received from the same source in the next ten months, about $14,000,000. There were received from lands in the first two months, and estimated by him for the next ten, near $3,000,000. Estimated and received in the first two months, and next ten, from banks and miscellaneous sources, $220,000. Now, the receipts from customs and lands, if the last should be properly advertised, are under-estimated at least, $1,500,000. So are the receipts from deposit banks, and the United States Bank, quite $150,000. These make an aggregate of $19,870,000. The department had, besides this, a power to issue more notes under the old act, beside what were paid in till the 30th of March, near $400,000. And it had the power, under the new act, to issue, before the 4th of March, about $673,000, and after the 4th, $5,000,000. These made all the available resources for the year $25,943,000. Now, if he expended out of the existing and permanent appropriations only an amount equal to the whole new ones, calling them $18,000,000 (and they differed either way not a third of a million), it would pay them, and leave to him $7,943,000. This would be enough to redeem all the old treasury notes out at the beginning of the year, being about $4,600,000, and leave a balance of $3,343,000. These were all the notes likely to be paid in, and all which fell due; and quite one-fourth of a million of them, for reasons explained the other day, would probably not come in during 1841, — $250,000, — thus raising the balance to $3,593,000. This balance, then, would cover all contingencies and fluctuations in expenses and receipts not very extraordinary. It would, also, enable him even to spend the maximum suggested last December, of twenty millions (or two more), and still have on hand quite $1,593,000; — this would be the natural result on the existing appropriations.

It is worthy of remark here, that, in this view of the subject, without including any expenses or appropriations of this extraordinary session (as should be the case when looking to the question of the prior necessity for calling it), there would be neither debt nor deficit to be provided for during the whole of the present year, — much less the ensuing three months.

Again: there would be, even next year, no *debt* becoming due, except the new treasury notes issued in 1841, over and above the amount redeemed. This would be about $6,000,000; from that deduct the above balance on hand, and the net burden next year would be, from this source, short of $4,500,000.

Leaving, however, in the treasury, 1st January, 1842, a balance somewhat smaller than when 1841 began, or only about one-quarter of a million, including what is in the mint.

It may be next a matter of wonder how the Secretary could reach a result so different from this, — how he reached the conclusion, that both the *debt and deficit of this and the ensuing year*, when united,

should be over twelve millions, or something more than my calculation of what would be likely, if acting in a manner necessary and usual, by about $7,500,000.

But I can render it perfectly intelligible to the Senate, in a single moment, how his excess arose; and, though he may make it occur in the end, yet it will be seen on what unsubstantial ground it is sought to be justified. Thus, he computes his expenditures, under the existing appropriations, higher than is customary, on a given amount of them, by $5,000,000, and higher than should be, under all contingencies, by $3,000,000. Then he computes expenditures under new appropriations, prepared either in his three or ten months' estimates, and which have not been made, may not be, and would not have been, this year, except for this extra session, over $3,000,000. Then he estimates his receipts from customs and lands too low, as we heretofore explained, by at least $1,500,000; and these account for the whole difference of $7,500,000.

Besides this, there were other excesses in expenditure, and underestimates in receipts, to very considerable amounts, in his computations, as formerly detailed, but which need not be repeated here. In this way goes by the board his whole deficit of near six millions, and the debt and deficit for this and the ensuing year of about twelve millions, with the mistaken and inflated *phantom* debt of thirty-one or forty millions, and leaves behind only the small fragment of treasury notes which may fall due next year, over and above the balance in the treasury. That is likely to equal, if no new appropriations are made, and the old ones spent no more rapidly than usual, only about four millions and a half.

This is the molehill which has been swollen by whig rhetoric so often into a mountain. And even this would have been all extinguished, had Congress seasonably, as was again and again urged, stopped the immense new drains on the revenue by new judicial constructions, and modified the drawbacks so as to conform to their original principle. It would, also, all have been easily paid in 1841, had the United States Bank not failed again,— totally and forever, it is feared, since the year began,— and strewed the whole country with fragments of wreck, as well as given a deadly stab, for a time, to our credit abroad, and to foreign confidence in American integrity.

Yet the past administration is taunted with a debt, though in reality so diminutive, and though created, if at all, only by accident and procrastination in necessary legislation, as well as by malconduct in banks. Taunted, too, in this report, which, with its supplement, proposes to create deliberately, designedly, and without any urgent necessity, under the new retrenching administration, a further new, permanent national debt, of twenty-eight or thirty millions.

This, then, is the attitude of the two administrations on this subject. The past one, charged again and again, in most wanton virulence, as having caused a debt of *forty millions*, instead of four

to five; and the present reforming one, which brings the groundless charge, recommending a new debt of twenty-eight or thirty millions, instead of only four or five.

That administration adjured Congress to be sparing in appropriations, and to revise the tariff laws in season to prevent any permanent debt whatever in a time of peace; while this one, on the contrary, with careful deliberation, and in time of peace with all foreign powers, recommends a new, permanent, voluntary debt, of near thirty millions. The former followed the lessons and wisdom of ages on this subject, as condensed by Mr. Gallatin, in his late interesting pamphlet on the banks and the currency. "A public debt (says he, pages 28 and 29) was always an evil to be avoided, whenever practicable; hardly ever justifiable, except in time of war. It has a tendency, perhaps, more than any other cause, to concentrate the national wealth into the hands of a small number of individuals;" — "and it feeds the drones of society."

But the present administration disregards the sages of other times, and even the admonitions of that financier, once such an oracle with the chairman of the Committee on Finance. The past administration — or rather the person who now addresses you — is also threatened here, by the senator from Maine, with having deserved impeachment, because, under what his party has denounced as prodigal misrule, I deemed it a duty to remonstrate against any attempt to advance money, except for short periods and in limited amounts; or to expend it by subordinate officers, either wastefully or prematurely; — while the present administration — the boasted reformers — seem ardent to justify the new Secretary in letting it be advanced as any person may desire, either as to time or amount, and be expended in all kinds of profusion, so as to produce, in only twelve months, an excess of expenditure over what is customary equalling near five millions of dollars. Under this retrenching and frugal administration, I am, it seems, to be punished for my labors and watchfulness to promote saving, and to check lavish waste; while my successor, for the opposite course, is to be puffed and idolized. So be it. History must, after a time, be set right on this and several other topics.

I would stop here, sir, were it not that my silence, in not replying to several portions of the speech of the senator from Maine, might be considered a left-handed compliment to its ability, as not being sufficient, in my opinion, to deserve notice, and were not some of his statements singularly erroneous. I shall, therefore, from my notes, advert to a few of his remarks, as hastily penned down.

In the outset, I disclaim all his commendations for what he is pleased to call the elaborate character of my computations, as I was more desirous, some days ago, to submit my objections, than the Secretary's friends appeared to be to have the report scrutinized,—probably from a conviction of its numerous imperfections.

If, as the senator seems to suppose, any peculiar anxiety was

betrayed anywhere, in respect to the discussion, I am not aware that it existed on this side of the House.

He next admits that all I read from the report tending to produce an impression that the "legacy of debt" created and left by the past administration on the shoulders of the present is equal to forty millions, or even thirty-one millions, has been misunderstood by many of his political friends, and that their conclusion is entirely unfounded or false. So be it. The senator from Maine admitted expressly that he (Mr. W.) had been fighting phantoms, when he had exposed the humbug of the forty million debt. Is it, then, at last discovered that this forty million debt of Mr. Van Buren's administration, which had been the theme of every whig orator throughout the Union,—which had been rung from valley to hill-top,—discussed at cross-roads and the bars of village ale-houses,—that this is a phantom—an *ignis fatuus?* Yes: this is now a *phantom*, which has even been asserted by authority as high as the executive chair of this nation, and has been circulated, far and wide, by men of intelligence, whose character, in other respects, would induce a belief of their conviction of its truth.

The thirty-one millions of excess in expenditure over the receipts from 1837 to 1841 figured so largely and loosely in this report, that Mr. Ewing's supporters, in many places, exulted that he had officially proved the existence of a debt to that extent. They even quoted his aggregate down to his cents, as exemplified in one of the former extracts, in these words:—

"KEEP IT BEFORE THE PEOPLE—That it is now officially announced that the national debt incurred by Mr. Van Buren, during the four years of his administration, amounts to THIRTY-ONE MILLIONS, *three hundred and ten thousand, fourteen dollars and twenty cents.*"

But now,—most gratifying result, in the face of the assembled Senate, and before the whole country,—the senator from Maine frankly admits that this enormous national debt was all a phantom. If his (Mr. W's) remarks had produced no other result, that discovery was a sufficient reward for his labors.

Mr. Woodbury then commented on that portion of the report which recommended, as a permanent balance in the treasury, the sum of four millions, and said that, with the power to issue treasury notes, one million was abundant; and so the senator from Maine ought to confess. The experience of the past three or four years had fully verified this; and even half a million would answer, instead of having four millions borrowed on interest, and, after the sub-treasury is repealed, lying idle in banks, so that they could bank and speculate on it at our risk and cost.

Mr. Ewing himself is compelled to admit that one million is enough, while the power to issue treasury notes continues; and that power, we all know, remains till another year, to a certain extent. So the small scattered sums, in numerous places, which the gentleman considers so

useless and ineffective, are, when coupled with the power to issue such notes, fully operative for various local expenditures of a minor character. When larger sums are needed near, then, and not till then, notes are issued and put on interest, and, being at or above par, supply the deficiency, to the convenience, economy, and satisfaction, of all concerned.

But, among my other sins while in the treasury department, called up in judgment against me by the senator,— and not now, I believe, for the first time,— is the issue of these treasury notes at all, instead of a resort to a high tariff, or permanent national debt. I am gratified that the gentleman thus gives me an opportunity to pay off a few old scores, which, as I am in favor of punctuality, economy, and short settlements, I improve the first opportunity to do which is afforded, and hope, in this manner, amicably to balance our accounts.

These notes, he says, were generally called for by the department without full notice, after much delay, and when no leisure was allowed to provide anything better. Congress, he intimates, was thus forced to vote for them in haste, and reluctantly, when the circumstances of the country and of the treasury indicated a large permanent deficiency, and not a temporary one, as pretended, and which permanent deficiency required a funded debt, or increased taxes.

Now, as to the first allegation, that treasury notes are not appropriate fiscal instruments in the emergencies of the few past years, and have not been prudently used by the department, I will take the liberty to refer him to Mr. Gallatin, a financier possibly quite as high an authority and as long in experience in these matters as any of the croakers who have so flippantly assailed me on this account.

It was in September, 1837, that these notes were first recommended by me to be issued. It was during a suspension of specie payments almost universal, and under a temporary deficiency of revenue, as I shall soon demonstrate.

In the pamphlet before referred to, Mr. Gallatin, page 87, in a note, observes, as to treasury notes, that —

"Used as soberly as they have been of late years by the treasury department, and provided they are kept at par, they are the most convenient mode of supplying a temporary deficiency in revenue, as well as the most convenient substitute for currency in the payment of duties."

Thus, it seems, by a disinterested and *most intelligent financier*, and at the same time a political opponent, that I recommended these notes under the proper circumstances; that I used them *soberly*, and, as the annals of the country will show, kept them at par, and often above par; and furnished very great facilities to the community in large public payments, as well as in distant commercial transfers and exchanges.

Congress, too, after various trials, have continued to sanction my views, though the gentleman complains, next, that I have deluded them

into these measures without giving due notice. Had I induced Congress, in this way, to adopt a good measure, when they otherwise would have substituted for it an inappropriate and bad one, the public suffering thereby would certainly not have been such as to justify much complaint.

But as it would not have looked entirely above-board and honorable in me to pursue a good end by indirect means, I throw back the twice or thrice repeated imputation made in these halls, and pronounce it not only unfounded, but directly contradicted by our own official records. So far from delaying to give notice, the first act which passed in October, 1837, was called for by the department, in the very first communication it could make to Congress, when it met in September.

[Mr. Woodbury here turned to his report on that occasion.]

The next act, in 1838, authorized no new ones, but merely changed the form or restriction, so that others could be issued to a certain amount, instead of old notes paid in before the year expired in which, on their face, they were payable. Even this alteration would not have been needed, had the bill passed as originally reported and recommended by the department, with power to reïssue, within the year, the notes paid in before the year expired. But some *wise* Neckar in the other wing of the capitol moved a prohibition to that, and did not allow, instead of it, any power, within the year, to issue new notes in place of the old ones. Thus, the whole object of a temporary loan or credit for one year was likely to be defeated, unless the notes were put on the highest rates of interest; and the treasury was exposed to be left with a mere cloud, instead of substance, as all the notes, once issued, might come back in a single month.

The next act, passed in March, 1839, merely extended the period of issue till the 30th of June in that year; and the propriety of some remedial measure, like that, against fluctuations and contingencies, was urged in the annual report in December previous, instead of being thrown before Congress without due notice.

[Mr. Woodbury here read, from the annual report in December previous, extracts to that effect.]

Only one other act passed till the law now in force, and that was in March, 1840; and that, or some other efficient measure, to cover fluctuations and contingencies, was urged strenuously in the previous annual report, as long before as December, 1839.

So was it in respect to the existing act passed in February last. The grounds of that, or some other remedial measure, which Congress might prefer, were all fully disclosed in the previous annual report, two or three months before.

[Mr. Woodbury here read such extracts from both reports.]

So that the gentleman's reiterated charge, on this point, of not giving due notice, is refuted by the record itself. But I can see how he has been led into an erroneous belief of its correctness. He has heard the misrepresentation so often repeated by others, that, like Sancho

Panza's impressions in that way, from his own repetitions of his own fabrications, he begins to believe the misrepresentations of others to be true. But, if he had only turned back in his own mind to other circumstances, as well as to the annual reports, he would have found that there were still different reasons to account for his misconception, and to show it to be a palpable error. In almost every instance, except the first issue of notes in 1837, many members of Congress became so engaged in the more interesting employment of embarrassing the persons in power, and forming new combinations to put others in their places, that the recommendations of the President even, and much more those of the departments, were generally assailed by many of those then in opposition, and delayed and thwarted in every possible method. From that circumstance, and having the inclination in respect to the finances, as I had in respect to the receivers, — which has been also complained of, and will be soon noticed,— not to let the public credit be violated while in my charge, and any just cause be given to call the treasury bankrupt, I took the liberty to make other and additional communications to the proper committees, and, at times, even to Congress itself.

Those new communications recalled to their attention the former ones, and urged prompter action. It is those that the senator has inadvertently seized on, if anything, as the *first* suggestions made by me; when, in truth, they were *the last;* and when they had become necessary, not by my delay to make early and earnest recommendations on this subject, but by the delay of Congress to act on the remedial measures proposed, — measures, indeed, which often failed to be adopted in season, solely because it was the policy of the party with which the senator himself acted, as avowed by its distinguished leader in the east, since *rewarded* with the official spoils of prime minister, *to oppose everything and propose nothing.*

But the senator says the remedy which finally was adopted should have been a permanent increase of the tariff, or a permanent debt. Then, I ask, why was it not so shaped during the ample time, — the months he and others had the recommendations *before them*, and were delaying action.

But, as a further proof that there is no foundation for the impression he now entertains, that the issue of treasury notes was the wrong measure for the occasion, we have not only Mr. Gallatin's deliberate opinion against him, and the deliberate opinion of Congress during four years against him, but the result of experience, showing that, even yet, no change in the tariff seems to be urged much at this session, and that a permanent national debt is now needed, if at all, more to promote the various Quixotic schemes of the new administration, than to supply any permanent deficit, or even temporary debt, of the past administration.

Events have shown, directly in the teeth of the gentleman's assertion [that the deficiencies in 1837 and since were not temporary],

that they have all been so temporary as to be met without having out at the beginning of this year, unpaid, over about four and a half millions of treasury notes, and that every dollar of them would have been extinguished, had Congress, as was repeatedly urged, modified and prevented the enormous drawbacks forced from us since 1837, and stopped the immense drain on the treasury since opened by new judicial constructions of the tariff.

This is capable of demonstration, and yet the gentleman argues that I had not a right to consider the deficiency as temporary.

Even all the notes issued since the 1st of January last would have been rendered unnecessary, or been redeemed before this year terminates, if many in Congress had abandoned President-making and attended a little more to the substantial interests of the revenue; and more than this, if there had not beside been imposed on the treasury, during past years, more appropriations than it asked, without, at the same time, providing any new permanent resources to meet them.

When your fiscal agent had, for instance, means to meet twenty-three millions of expenditure and no more, and so informed you, there were placed on him twenty-five and thirty millions, against his remonstrance, and no new means provided to meet the difference, except to throw him grudgingly and late on the pittance of treasury notes he had asked for other purposes. And because that agent did not claim to be able, with twenty-three millions, readily to pay thirty, he was denounced as *muddy*-headed. I fear it will be necessary to take a great deal of *mud* out of the brains of those making such accusations, before they could accomplish what they so inconsiderately called for in others. But, thanks to a benignant Providence, the finances were carried in safety through these and all other difficulties, as well as the most cruel and disheartening discouragements! Every claim authorized by Congress was paid with promptitude, and generally in specie or its equivalent, though surrounded and baffled by broken banks and depreciated paper. During the whole struggle, the pecuniary credit of the General Government, instead of being blasted and bankrupt by mal-administration, as many of its opponents have inconsiderately alleged, was kept high, both at home and abroad. This, too, has been accomplished without adding a dollar to the taxes or the tariff; but under a biennial reduction of the latter going on during the whole period, and without adding a dollar of permanent public debt, and leaving abroad only the small balance of about four and a half millions of treasury notes when the present year began, and only between five and six millions on the 4th of March. The whole of these were also likely to have been prevented, or redeemed this year, had the erroneous decisions and drawbacks connected with the tariff been corrected by Congress, or even had the United States Bank, in January and since, not scattered ruin over our commerce and credit, and of course impaired deeply the revenue from imports.

The only other matter bearing on this topic which I would now

explain, is the postponement, authorized conditionally last year, of about two or two and a half millions of new appropriations. Those, the senator from Maine would argue, have caused the excessive expenditure proposed in this report of near five millions, or double the whole amount! But, in point of fact, as appears on your own files, only about one million and three-fourths of these appropriations were ever postponed at all by the executive; and that small amount only for a period of about three months, instead of the whole year. Indeed, as the appropriations passed so late in the season as July, not over a quarter of a million would probably have been expended in 1840, had no postponement whatever taken place. So that the whole of this mighty load thus thrown on 1841 does not exceed two or three hundred thousand dollars. To counterbalance this amount four times over, there were expended, in 1840, — from peculiar circumstances explained in the annual report, — from one to two millions more of old appropriations than usual; and the balance of them left at the close of the year, including all those authorized specially to be postponed till 1841, was not so large as at the end of 1839 by over two millions.

So much for the gross exaggeration, that the five million excess of expenditure proposed in this report is to be justified by any virtual postponement from the last year of only about a quarter of a million.

Mr. Woodbury then alluded to the memorial from Dahlonega, recently presented by Mr. Clay, of Kentucky, who had warmly eulogized the sentiments contained in it, which, after denouncing the late administration for its extravagance in expending forty millions per annum, which it never spent, recommended a reduction of the current expenses of the government to thirteen or fifteen millions. And how has the Secretary of the Treasury followed out its recommendations? Instead of the twenty-three millions of the last year, and the twenty millions for the present, to which the late administration had taken measures to reduce the expenditures, he had pushed them up to twenty-six millions in the ten months, — being at the rate of thirty millions per annum, — and if he succeeds in his recommendations of a fiscal agent and the distribution of the public lands, the debt, beside, will soon reach not only thirty, but forty millions per annum. He called upon the friends of the administration to carry out the principles of reform and retrenchment which they professed so loudly before their accession to power; to show their sincerity in doing it now, and not to put it off until to-morrow, "to-morrow and to-morrow, till the last syllable of recorded time." Why not give us at once a little of the "*vigorous reduction*" which the senator taunts me with having recommended, as most assuredly I did, with earnestness, and in almost all forms, as well as at all times; and had the good fortune to practise what I preached.

It is not agreeable so often to speak of my own official conduct; but

the manner of the attack, and public considerations, independent of any personal feeling, demand and justify it.

Next, the senator had endeavored to reconcile the discrepancies between the treasury report and the President's message; but most unsuccessfully. Mr. W. then showed that many of the assumptions as regards different dates were unfounded, and that in nearly every instance the senator had extricated the authors of these documents out of one difficulty by involving them in another.

But not a case existed where, by the explanations proposed, the sums would foot alike in the report or message, nor where the President's items, when added up, corresponded with the erroneous aggregates taken, as he would seem to say, expressly "from the report of the Secretary of the Treasury." New footings are, to be sure, reached in some cases. But those new ones differ, and are contradictory, as well as the old ones. Not an instance can be found where the President proposes to refer to a date different from the Secretary, except one; and in that case, if making all the allowance desired for the difference in the two items connected with it, the discrepancy still remains unreconciled.

Beside that, by pursuing this course, two new contradictions become apparent, in that single statement, in the face of the documents. Nor has the astute vindicator of the Secretary even attempted to explain why the omissions are made in the aggregate expenses of the ten months, and also of the whole year, of some items included in the three months' expenses. Those three months are a part of the other ten and twelve. Why, then, should not the expenses of the whole include the expenses of a part of the whole?

With due respect to the philosophy and logic of the senator and the Secretary, the whole ought to embrace all the parts, — at least, such was the doctrine when I was a schoolboy. It is a little remarkable, too, that in suggestions made by the senator with a view to reconcile, but in vain, errors already discovered, he should open the door to the detection of more. Thus, beside what has been noticed in table D, annexed to the report, there is almost half a million said to be received from the United States Bank, "*from the first of January to the 3d of March*, 1841." But in the body of the report (p. 5) the Secretary says this sum was received by the public agent last October.

Again: if the explanation attempted of this contradiction should be, that, in the first instance he speaks of, its receipt in form into the treasury by covering warrants, between the 1st of January and 3d of March, then there is exposed another and material error, because, on the same page, he says it was not carried on the books till "*the 4th of March*, 1841," instead of "between the 1st of January and 3d of March." The difference of a day here is everything, both politically and financially, because one administration ended on the third, and the other began on the fourth; and if this sum was carried on the books,

as if paid previously to the fourth, and since the 1st of January, it would swell, and has swollen, the amount of expenditures by the past administration in the first two months of this year, half a million of dollars; while, on the contrary, the Secretary, in his exhibit of the receipts during those two months, in the body of his report, has forgotten to give the past administration and the treasury any credit for this half-million received from the bank.

Again: if this expenditure is carried on the books as having been made on the 4th, then it is, or ought to be, included in his estimate of the ten months' expenditure, and is among the appropriations he estimates to be outstanding on the morning of the 4th of March.

While, on the contrary, he has omitted, in the receipts for the ten months, to credit a single dollar for the half-million received from the bank. Whichever, then, of these hypotheses may be true, there is a new manifest mistake developed of more than half a million of dollars!

Again: the senator alludes to what might be the arrearages to be paid in the past three months, and thus increasing the expenses. But I have before shown that these arrearages could not exist beyond the ordinary small amount always occurring in long unsettled or distant operations, or you would have had loud complaints here, by suffering creditors and contractors. I have shown, too, that the amount of old appropriations, which alone could cause any arrearages, were smaller than they had been for four or five years preceding; and the whole of them, if all due, were not one-fourth of the "raw-head and bloody-bones" which had been paraded at the last session, in this and the other House, as *monstrous arrearages* of forty millions.

When gentlemen of that party, which modestly claimed, besides the morals, most of the talents and learning in society, talk of demands being arrearages, which the past administration was censured for not paying, though they had never been sanctioned by Congress, and consisted of any kind of obsolete claims which any individuals might please to set up, from the French spoliations of near half a century old, to the latest loss of some starved horse in Florida, the case is one beyond the reach of argument. If the absurdity of the pretence is not sufficient on its face to make the community scout it, many of them must have eaten of the *insane root.*

I can inform them, further, that if arrearages can justly be trumped up in this way as the foundation for political accusation against the executive departments for not paying them, when Congress had made no appropriations to recognize or discharge them,—and hence when the heads of those departments would have been impeached if daring to pay them,—it would be as easy to swell such arrearages to $400,000,000 as to $40,000,000. For doubtless more than twice that large amount of claims of all kinds has been made on Congress and the departments since 1789, which have not been paid, nor yet authorized to be paid. So shallow a course of complaint is too puerile for further notice.

Mr. W. then alluded to the assertion that the bonds for duties on goods destroyed by fire in New York, which had been postponed, in 1836, to the amount, as that senator supposed, of four or five millions, were an appropriate charge against the late administration. But he [Mr. EVANS] will probably find that the amount of the fire-bonds, as they are called, and which were in fact postponed, did not equal one-fourth of that sum. He is, I think, confounding those with the four to five millions postponed in 1837, under the suspension of specie payments, and which were, in fact, both postponed and paid under the past administration, and without creating any pretence of a charge against it on that account. On the contrary, the fire-bonds, though due before 1837, and postponed in part (whatever their amount) so as to fall due since 1837, have, in scarcely one instance, been paid to this day; but, under a subsequent act of Congress, passed in 1838, have been remitted in large amounts, if not entirely. Indeed, the past administration had received but little aid from any such incidental sources, though it had been exposed constantly to new and large drains by judicial decisions,—to drawbacks, reductions, and appropriations, made much beyond the amount of the annual estimates. It had, however, obtained some relief from one among the items which Mr. Ewing had arrayed against it, as an excess of expenditure over receipts, to the extent of thirty-one millions, and which he had so talked about, in connection with the debt created by the past administration, as to make many of his party, in the manner before explained, say that the Secretary of the Treasury had characterized these thirty-one millions as a debt. But the honorable senator from Maine now says this is a fantasy; yes, a miserable "*goblin damned.*"

Yet that administration had much more extraordinary expenses to meet than the amount of any extraordinary aids received from the collection of its dues from banks, or any other source. So far from having been blessed with a *time of peace* at home, as intimated, a war has been carried on during the whole four years of the administration, at a greater expenditure of blood and treasure than any frontier war this country has ever been engaged in; and this war still exists, notwithstanding the bravery and skill combined in the present administration. The last administration had done more, considering its means, and the difficulties it had to contend with, than any that had preceded it. With reductions in the tariff to the amount of forty or fifty millions, with the convulsions in commerce and business occasioned by two suspensions of the banks of the country, it had yet, in despite of these difficulties, maintained the public credit unimpaired.

But will the Senate spare me a moment longer, to reply to another animadversion by the honorable member, rather more personal to myself?

[Here several voices said, "Go on, go on!"]

Instead of vindicating the present Secretary throughout, he seems

inclined to abandon him, in many respects, entirely; and, I suppose, as a sort of set-off, then assails me.

I regret this, as I never begin reflections of this character, but will most assuredly repel them, come whence they may, whenever their importance and the time and occasion justify it.

It seems that I committed a heinous sin in writing and urging on receivers too often a careful discharge of their duties. He probably thinks that the more modern military style of the present administration should have been adopted; and whether sufficient cause existed or not, I should have said to the President, at once, "Off with their heads."

Let me caution that gentleman against too suddenly introducing into our civil system of equal rights and privileges either military, drumhead, court-martial codes, or precedents from the worst eras of European despotism. These recent, reckless, proscriptive, and almost universal removals for mere opinion's sake, can hardly be sanctioned by any good precedent; nor, when applied to officers like receivers and collectors, connected with the collection and safe-keeping of the public money, will they be very likely to aid in replenishing your treasury.

If every officer, too, like a receiver, is to be removed for every mistake in his returns, or every failure of the mail to bring them at the day due, or for every accident preventing a deposite at the hour required, and is not to be first written to, as was done by me, for explanation, you may be assured that the treasury department and the President will always have full employment in merely removing and appointing to office, without engaging in other official duties. And if a single mistake or error of that kind is to be considered a good cause for immediate dismissal from office, both the President and Secretary might do well, under the mistakes and errors recently committed in their public communications, to consider by how frail a tenure they hold their own high stations.

Why, sir, not a single mail can reach this capital of the Union, from our two to three millions of square miles in territory, from its immense northern lakes, its distant Rocky Mountains, its broad gulfs, and extended seaboard, without some irregularities or informalities in the returns of officers, connected either with the military or some of the numerous branches of the civil service. None without some defects in and from themselves, and none without some derived from others. None without some accident of sickness in the officers or their families, or without some disaster by flood or field, to cause unexpected error or delay. The correspondence with receivers, to which he refers, was written under such circumstances and in such cases. Similar correspondence has always taken place under my predecessors; volumes, like that which has been published, could be collected from other periods, and in all the departments.

Some cases of this kind, under Mr. Gallatin, and especially one with a collecting officer at New Orleans, have been published, years ago, in your own edition of certain public documents. The officer afterwards

turned out to be a large defaulter, and, like some more modern ones, fled to Europe.

But did Mr. Gallatin, or Mr. Madison (for it is the President, and not the Secretary, that can remove or appoint), at once remove the officer, before the defalcation was admitted or ascertained on our books? No. In every instance, also, in all the recent correspondence to which the gentleman refers, not a case can be found of a warrant on a receiver being protested or unpaid, unless explained by some accident, and the receiver was not forthwith suspended or removed. So no case exists of a pecuniary default or embezzlement, clearly ascertained on our own books, when the offending receiver was not dismissed, if, in the mean time, he had not resigned.

But, for party purposes, the incessant labor of the department, night and day, at all seasons, and under all discouragements, to spur officers up to punctuality, to increase their care in having formal returns, to make them faithful and prompt in their deposites, and thus saving many thousands, if not millions, to the treasury, — this now, by honorable opponents, is again to be revived, and distorted into a partisan theme for taunts, for scoff, for scorn. One sentence is, probably, as heretofore, to be quoted, and another explaining it to be suppressed. One letter read, and the reply, clearing up any doubt, *not* read. Different letters to the same person, in different years, and under new and different circumstances, are to be represented as all belonging to one transaction.

But enough of this for the present. History will, when set right, settle this question also, with many others of a like character. This much, at all events, is certain: that not so much money in amount has been lost by all the receivers combined, who are mentioned in that correspondence, as has been lost, in a short period since, in each of a dozen cases of officers in banks, appointed and regulated by our opponents, and belonging to their own ranks. No, sir; not so much by three times told.

A few words more, on two or three other of the senator's allusions, unless the Senate is too much fatigued for me to proceed.

[Many said, "No, no, — go on!"]

Well, sir, the senator from Maine observed, that the celebrated specie circular operated so as to draw money from New York city, and should, therefore, on my reasoning as to the new project for a Fiscal Bank in this report, and the supplement to it, have been condemned.

I am happy to agree with him that, in times like these, or in any ordinary times, that particular effect of the specie circular would have been injurious. But the measure had other influences, which were highly salutary, and, in the peculiarly extraordinary crisis then existing, its tendency to withdraw some specie from New York city served to check and terminate a greater evil, — the immense overtrading there, and the immense paper bubble speculations that then inundated,

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like a second deluge, the whole country. These it immediately began to thwart, embarrass and destroy. Fortunate would it have been for millions of people, could some measure have effected the same result a year earlier. Thus did this incident of it prove, in that emergency, highly beneficial. Yet the senator censured it, while working that salutary correction, because it removed some specie from the great centre of commerce, while he vindicates this report, and its supplemental project of a bank, calculated to withdraw specie from the same place, even in ordinary times, and as the ordinary settled policy of the Secretary's financial schemes. The Secretary seeks, also, thus to remove the specie by his new banking machine, to be located here, as its centre, and abuses the sub-treasury for concentrating specie in New York, when Mr. Gallatin, in the pamphlet before mentioned, declares, like the authorities cited the other day, that the places for such a bank are "*the great centres of commerce*" (p. 93), and its board of control must not be, as in this city, in the centre, I admit, merely of court etiquette and fashion, but must "*sit in a great COMMERCIAL city.*" (p. 95.)

We have heard much, also, in this report and the message, and elsewhere, of the benefits the new "Fiscal Bank" would produce on exchanges. But the difference in what is called exchanges is often a difference between the value of gold and silver and the value of mere irredeemable paper; and thus, what are called exchanges are swollen to ten or fifteen per cent., when real exchanges, between specie in one place and specie in another, are not one per cent. It is truly said, by the distinguished financier before cited, that a national bank cannot remedy this, unless it can drive out the local paper; that, in respect to mere exchanges, it can only buy and sell, like others, at market prices, settled by other great laws of trade, pervading the civilized world, and which this bank can neither control nor alter. Nor can it, with only ten or fifteen millions of currency, expel one hundred and twenty millions of local bank paper. The idea that it can, is quite as crude as the other, about its great influence over exchanges. Mr. Gallatin is as explicit on this point as on the other; though I will not now detain the Senate by reading quotations as to both. But it is intimated that the revulsions of 1837, as well as the excesses of 1836, were attributable to the past administration. Without stopping, on this occasion, to argue that point, I will refer merely to the admission of the same political opponent [Mr. Gallatin], whose high standing in these matters has been more than once recognized in a very flattering manner on this floor.

Mr. G. says (page 32):

"The unforeseen, unexampled accumulation of the public revenue was one of the principal proximate causes of the disasters that followed. It cannot be ascribed EITHER TO THE PRESIDENT OR TO ANY BRANCH OF GOVERNMENT; and its effects might have been the same, whether the public deposites were in the State banks or had been left in the National Bank, organized and governed as that was."

The same idea had, on more than one occasion, been set forth in documents emanating from the treasury department. But then its correctness was stoutly denied by the party now in power, both in and out of Congress. I rejoice that the scales have already fallen from the eyes of some of the most able among them.

Again, in the face of no little upbraiding, I remonstrated, in 1836, against the too rapid collection and distribution of the surplus; and in another debate, at this session, took the liberty to explain in detail the injurious operation of that dangerous provision, which, rather than any mal-administration by the treasury department, hurried on the catastrophe which followed. Without going into a similar explanation again at this time, let me merely give a few remarks of Mr. Gallatin on that feature of the bill:

"Its process was much too prompt." — "The legislature was not, and could not be aware, how slow and gradual the diminution of discounts must be, in order that universal distress may not ensue."

There is much more of a similar character in this very able pamphlet, which I will not detain you by reading, though bearing directly on the criminations which, in this debate and in the documents before us, have been cast on the past administration, and particularly on its fiscal operations. It has further been specified, as an instance of the hostility of the treasury department at that period to the State banks, that, if its measures did not cause their suspension, the head of the department resisted and retarded the resumption of specie payments.

But the reverse was the truth,—by the great forbearance used in not suing the banks, and by circulars of advice to begin resuming in every city, county, and State, the first moment practicable, as the ablest bankers now admit was right, rather than to wait for all to unite. Indeed, I did more, as well as promised more, in favor of resumption. This may be seen by my correspondence, in the appendix of this pamphlet, with such really sound financiers as Nathan Appleton, of Boston, and George Newbold, of New York.

In fine, to pass over any further discussion of such points at this moment, it should be noticed, in concluding, that most of the modes of relief proposed by the Secretary and President, and which I before endeavored to prove to be ill-judged and fallacious, nobody has yet undertaken, on this floor, to vindicate. Even the senator from Maine slides over the whole in detail, doubtless because too novel, if not doubtful, in character, to merit his vindication, except by loose and very general commendation. One of them, the proposed distribution of the proceeds of the lands to the States, as well as another, the marvellous relief to be anticipated by the indebted States from a new national bank, Mr. Gallatin justly considers, like the politicians on this side of the Senate chamber, as delusive, and by no means proper to be relied on.

Though he was in some degree friendly to such a bank, when of

small capital, carefully modified in other respects, and under severe restrictions,—less friendly, however, than in former days,—he still regards such an institution as very "liable to be *abused;*" and he pronounces the last bank to have been, in every respect, "A PUBLIC NUISANCE." He adds that "the mismanagement and gross neglect which could, in a few years, devour two-thirds of a capital of thirty-five millions, are incomprehensible, and have no parallel in the history of banks." Yet the reëstablishment of a similar bank seems to be a favorite scheme with many gentlemen on the other side, and with it the adoption, also, of the other measures of RELIEF, as they are miscalled, by giving away nine millions,—one specimen of their economy, —and three millions more, as another specimen; by raising the taxes, through a tariff, near eight millions higher, as another mode of relieving the community; and, as another, by loading us and our posterity with a new national, permanent debt, in time of peace with foreign nations, to the enormous amount of twenty-eight or thirty millions more. Such financiering, if carried into effect, would make us the laughing-stock of Europe.

These are the Secretary's reform measures, and which, by this motion, we propose to disseminate widely, if not commend. The senator from Maine had concluded his remarks by expressing his hopes that the measures of "relief" proposed by the Secretary of the Treasury would be adopted. Independently of constitutional considerations, and those of expediency, he (Mr. W.) hoped so too; for he did not, and could not, wish any administration a greater curse than to have hung round its neck the measures proposed by the Secretary of the Treasury.

TEA AND COFFEE—NECESSARIES OF LIFE.*

It is of no consequence to me who made the motion to have these articles considered free. If that desirable object can only be obtained, it is all I wish. The senator from North Carolina can now present his reasons in favor of exempting them from duty, if convenient to him. But, if he declines, I would detain the Senate a few minutes, and only a few, in stating what has influenced me to make the motion.

In the first place, these articles were not taxed either to benefit the

* A speech delivered in the Senate of the United States, Aug. 31, 1841, on motion to include tea and coffee in the list of free articles.

products of agricultural or manufacturing labor. Neither came in competition with them. We were, therefore, wholly relieved from any considerations connected with the principle of protection. On the contrary, the duty on tea and coffee would operate unfavorably to those engaged in manufactures, as well as those in agriculture, because both of those classes, in common with all others in the community, were consumers of these great articles, and of course burdened by taxation upon them.

All, then, possessed a common interest in making them free; and all, he trusted, would unite in making them free, unless the revenue proposed to be derived from them was needed indispensably to fulfil the public engagements, or to meet those current expenses which the respectability, usefulness, and honor, of the General Government demanded.

Whatever those really did demand, he was willing, for one, to vote, even to the taxing of necessaries. But he was not willing to do this, if due care and economy would prevent the occasion for it, or if the retaining our other rich resources in the proceeds of the public lands, instead of lavishly giving them away, would prevent it.

This, then, is the gist of the inquiry under the present motion:

Is this tax on tea and coffee,—the luxuries of the young, if you please, but the comforts of the middle-aged, the solace of the more advanced in life, and the necessaries of the old,—is this tax indispensable?

Whether these articles, under all views and at all times, were or were not real necessaries, did not make so great a difference in this respect, as whether, under the limit of twenty per cent. in the compromise, we could or could not get revenue enough for an economical administration, without imposing some duty on tea or coffee. Because, if we could not, then we must tax even necessaries, or resort to more loans. I admit, however, that these subjects of almost universal use were once regarded as luxuries, and so taxed. But in the progress of wealth, comfort, and intelligence, among the middling and poorer classes, which had elevated them so much higher in the social circle, tea and coffee had become, to almost all, a species of necessaries; and they required exemption from duty, when practicable, almost as much as salt or molasses, if looking to their wide-spread consumption, and their conduciveness to temperance and general happiness. Yet, under pressing circumstances, we had been obliged at times to tax the greatest necessaries. But were we now, by any such circumstances, compelled to renew a tax on tea and coffee?

The senator from Kentucky had been so obliging as to refer to a report made by me at the last session, in which, under certain events, it was suggested that tea and coffee would be among those articles which we might be obliged to tax. Yes, sir, I then thought, and do now, that these articles, though once luxuries, were not to be now strictly treated as such, and still were to be taxed, if it was necessary

to raise so much under a tariff as to embrace articles of that description, in order to obtain the indispensable amount.

I am happy to find that my views as to the character of these articles concurred with those of the honorable senator, expressed as long ago as 1832. He then remarked, in much better language than I could select for myself, that

"If the universality of the use of objects of consumption determines their classification, coffee, tea, and spices, in the present condition of civilized society, may be considered necessaries. Even if they are luxuries, why should not the poor, by cheapening their prices, if that can be effected, be allowed to use them?"

Hence, sir, the articles of tea and coffee — only now quasi luxuries to any, and substantially, or practically, among the comforts, if not necessaries, of all classes — are not to be taxed, unless indispensable to meet our imperative engagements. But, on the contrary, if it appear that we are not able to meet those engagements, except by taxing necessaries as well as luxuries, then you must march up to the urgency of the occasion, and tax them, as you already have woollens, sugar, and iron. I thought formerly, as I do now, and hope always to think, that if you will not reduce your expenditures as low as eighteen or twenty millions, and do not expect larger importations than those of 1838, it will not be possible to make the ends of the year meet, without going beyond twenty per cent. duty on some articles, or raising the duty on others now free, including tea and coffee; and that the only question would then be between the preservation of the public faith and a moderate tax on tea or coffee. Between those two considerations, when forced on us, I did not then, nor could I now, hesitate.

But I then stated expressly, as I now do, that our expenditures ought not, in my opinion, to exceed about eighteen millions a year, in 1842. I had expressed a similar opinion, in the annual report on the finances, in the December previous. And I still think that they could safely and prudently be reduced to even less than eighteen, in ordinary times, and am ready at any moment to designate the items and amounts of reduction under each which appear to me feasible. I then thought, also, and then said, that probably the imports would be larger in 1842, and afterwards, than they had been in 1838. But it was necessary to take some year as an illustration of the computation, and therefore a new one (1838) was selected, as 1839 had been unusually high. It was, however, manifest then, as it is now, that if our expenses should not exceed eighteen millions yearly, and the imports prove to be much larger than in 1838, no duty whatever on tea and coffee would probably be necessary.

By the much larger amount of imports, as computed by the Secretary of the Treasury, for 1842, no duty on them will be required in order to defray eighteen or even twenty millions of expenditure. Hence, in accordance with the principles I have always entertained on

this question, and in accordance with sound views of political economy, this motion to make tea and coffee free ought to prevail.

The only remaining inquiry, on this occasion, is one of fact,— that is, whether the Secretary's estimate as to the revenue, or mine as to the proper amount of expenditure, are either of them erroneous. It becomes a question, on sound economical principles, whether we could obtain enough for all our reasonable wants, without the duties on tea and coffee, or not. This must depend upon how much we ought to expend yearly under the new administration, so radical in its professions; and how much we are likely to receive yearly, without a tax on these articles, under its high expectations as to a revival of prosperity. I shall, then, for reasons stated on several former occasions, suppose, until the contrary is shown, that the expenditures in 1842 ought to be not over eighteen millions, and that the large imports estimated at this session in the treasury department, and in the other House, may be probable. Then we can assess twenty per cent. on one hundred and twenty-five millions of dutiable imports, and then the net revenue would be over twenty millions. To that, in the first half of next year, there will be added over two millions, before the last reduction takes effect, on the 1st of July; and, after that, over a million more, for the augmentation then made by the home valuation. The senator from Kentucky will probably estimate the addition by the home valuation at even a larger amount.

The whole revenue from customs would thus be over twenty-three millions; — add to this only three millions more for the lands, and you have a net revenue of more than twenty-six millions, to meet eighteen millions of expenditure. I add the lands, because the bill giving them away has not yet become a law, and ought not to. But if it does become a law, and is not repealed before a distribution is made, there will be still twenty-three millions of revenue, to meet only what ought to be eighteen millions of expenditure. That will leave an excess of five millions of revenue; so that two millions on tea and coffee, as well as one million on salt and molasses, can be dispensed with, and still two millions extra be left to cover contingencies and fluctuations, whether in receipts or expenditures, or in paying the debt. The duty on tea and coffee can thus safely and prudently be omitted. It amounts, at twenty per cent. on an average import, to only about two millions, instead of three, as supposed by the Secretary and others. The amount brought in during 1840, of near twenty million pounds of tea, was, from difficulties between China and England, nearly double the average quantity consumed here. Hence, say ten millions, at twenty-nine cents per pound, with the ninety-five million pounds of coffee, at nine cents per pound, and they would be together in value only about $11,450,000. On this a duty of twenty per cent. would yield, in the gross, only $2,290,000, and of net revenue not much above two millions.

Place these, then, among the free articles, and there would still be

over twenty-one millions of revenue, from customs alone, to defray eighteen millions of expenditure. I, therefore, have proposed to go still further, and, by another amendment, reduce the duties on salt and coffee, next year, one half, and, in 1845, the other half, constituting together about a million.

If they both were free, as well as coffee and tea, the revenue on the imports above stated would be likely to exceed the maximum deemed proper for expenditure, as before computed; and hence, I trust that not only this motion will prevail, but insure success, also, to the other.

I am unwilling, on this occasion, and at this late period of the session, to detain the Senate a moment by collateral and incidental matters. I will not add a word not necessary to present these few direct and plain reasons in behalf of tea and coffee. If any gentleman is anxious to exonerate these articles from impost, and the people at large from being burdened by a heavy tax on them, let him not be deterred by any apprehension that our expenditures may, by accidental and untoward circumstances, be swollen for a year or two as high as twenty-three millions. Even in that event, he can vote for this motion with perfect safety, if the proceeds of the lands are not finally given away.

Thus, should that law not take effect, or be repealed at the next session, there will, without a tax on tea and coffee, be twenty-three to twenty-four millions of revenue from both customs and lands; being quite enough to meet the whole expenditures, though increased by the interest on the new debt, and other unfavorable causes, to twenty-three millions.

The first issue, then, is, will you retain a duty on tea and coffee, when it will not be needed at all, if you only keep down the expenses to eighteen or twenty millions? Or, in other words, are you determined to raise the expenses extravagantly, at the sacrifice of tea and coffee?

The next issue is as follows: If you allow the expenses, whether extravagantly or necessarily, to be swollen to twenty-three millions, will you not keep the public lands, and pay the expenses with their proceeds, rather than tax articles of such wide-spread consumption, among the masses of society, as tea and coffee? Or, in different words, will you, merely for the purpose of giving away the rich proceeds of the public lands, without any really gainful result to the General Government, the States, or the people at large, — as shown by me on another occasion, — will you heap additional burdens on those who desire to continue their temperate and humble enjoyment of the use of tea and coffee?

These, sir, are the true questions. In the best view, it is a contest between increased expenditure, with tea and coffee taxed, on the one hand, and economy, with tea and coffee free, on the other hand. In the worst view, it is a war between giving away idly, if not mischiev-

ously, the whole public lands, beside burdening heavily with taxation tea and coffee, on the one side, and, on the other, not giving the lands away, and not taxing at all articles of such universal use.

It is for the Senate to decide between these alternatives.

ON THE LAND DISTRIBUTION BILL.*

I CONSIDER this bill as proposing the greatest innovation, in the administration of the concerns of the General Government, which has occurred in our history. Nor is it one of those measures which form an epoch for good or glory, like the birth of Christianity, or some memorable revolution in favor of popular rights; but it will form, it is feared, an era of evil and disaster, like the deluge, or the cholera,—like "war, pestilence, or famine."

Why, sir, what is the manifest character, the very front of the case, whether we look to it in a fiscal or political view? In the former view, it is no less than a donation, by the General Government, of a thousand millions of acres of land. It is giving away, outright, a territory equal in extent to more than half the smaller kingdoms of Europe added together. It is parting with a productive fund, or a capital for financial resources, richer than that of the most gorgeous of Oriental despotisms. We throw away, like the *base Judean, a pearl worth all his tribe.* We do this, too, when represented to be embarrassed in our finances, when our expenditures are rapidly increasing, when twelve millions of new debt have been authorized and ten or fifteen more are in progress, and when a large augmentation of taxes on some of the greatest necessaries of life has passed one House, and is waiting on your table the sanction of the other. Above all these considerations, we do this when no surplus exists, or is likely to exist, and when the loss of the yearly revenue of the lands is not only to be sustained by the General Government, but a new resort become necessary, for an equal if not larger amount, to be exacted back in taxes from the States and the people.

In a political view, the measure is still worse, if possible. It is unequal and unjust to particular States, to particular sections of the

* A speech delivered in the Senate of the United States, August 25th, 1841, on the final passage of the bill for Distribution of Public Lands.

country, to particular classes; and it is in this, and other ways, demoralizing to society, and dangerous to the Union itself.

In these opinions I may err. But my conviction of their correctness is so strong, that I do not hesitate to throw the facts and reasons on which they are founded before political opponents, and to ask even of them reconsideration and deliberation. No person is more ready to do justice than myself to others from whom I am divided by mere differences in opinion; and whatever of party discipline, of hasty State instructions, or imperfect examination, may have operated to carry this bill thus far, I know that there are candor, patriotism, and conscience enough,—yes, sir, independence and high honor enough,—on the other side, yet to arrest so alarming an innovation as this, if I can only bring the real facts and true principles of the case to bear fairly on their judgments. *I will try, sir.* I am bound to try, by the instructions of my State, as well as a sense of duty. And had the screw, or a contest for physical exhaustion, forced me to rise at an untimely hour, I should have spoken, sir, at the risk of perishing at my post.

Let me first dispose of several topics which may be regarded as incidental, or collateral, to the main questions. Some of those have, on former occasions, and with some friends of the bill, assumed an importance to which they are hardly entitled, and must therefore be swept away.

Thus, the Chairman of the Land Committee (Mr. SMITH, of Indiana), who has industriously watched over this measure, urged its adoption because the public lands were a fluctuating source of revenue. What, sir! are we to give away a valuable estate, if its income is irregular? Would an individual throw away a farm, or a fishery, because this year he realized one thousand dollars from it, and the next but eight hundred dollars, and the next twelve hundred? Absurd! I have heard the same argument pressed on other occasions. Yet it is not only unreasonable in itself, but, unhappily for its authors, it is not founded in fact. Here are the official returns in my hands, from 1817 to 1840 inclusive, of the revenue from customs and from lands, separately. Take out the three years of 1835, '6, and '7, when the prices of everything were raised so artificially high by bank expansions, and when the prices of the public lands were not by Congress raised with the rest, and consequently surplus capital, in many places, rushed into the purchase of lands,—how then stands the comparison? Why, sir, the average revenue from customs was about twenty millions yearly, and that from lands about two and a half millions; and the departures from these averages were much oftener and much greater in the former than in the latter. On the mode of reasoning, then, which has been pursued on this point, we should give away all the receipts derived from customs, rather than those from lands. But enough of this.

The next collateral topic is, that the lands ought not to be regarded as a source of revenue. Why should they not be, as much as any other

productive property? Why not be used for profit, especially when, without them, we must resort to higher taxation? If gentlemen regard them as owned by the General Government only in pledge, mortgage, or trust, till certain objects are accomplished, and then to be returned to the States, I will soon show that no such trust either exists, or, if existing, has been accomplished in all its objects, or is attempted to be recognized and carried out by the provisions of this bill. But now, passing by these, if the lands are not to be kept for revenue, why use them as a source of expense, rather than revenue? Why pay over the proceeds of them by this bill, after some small deductions, and not pass over, nor deduct, all the charges still yearly connected with them? These consist of the Indian expenditures, equalling, for many years past, more than all the present revenue from all the public lands. Here they are, sir, in the tabular statements before me, going back a quarter of a century. In one year three millions and a fraction, in another nearly three and a half, and in another exceeding four millions.

Why, also, should we not deduct, or pass over to the States, with the income of the land, the burdens, in procuring and defending it, connected with the Florida war, and Revolutionary pensions, each enough to absorb the whole? No, sir! Instead of distributing the proceeds of the lands by this bill, because we should not make them a source of revenue, we do it with the certain and inevitable result of making them a source of expense. We give away lavishly the income from them, but reserve almost all the heavy expenditures incurred annually on account of them to be paid by heavy taxation. I told the chairman on a former occasion, and I repeat it now, that if he will place the whole accounts of the receipts and expenditures connected with the public lands into the hands of a master in chancery, whether they relate to the present or past, not a dollar of net revenue or net proceeds will be found to exist, to be distributed. The bill itself, then, is delusive, in pretending to pay over a source of revenue, or *net* proceeds from land alone.

One more of these collateral topics, and I have done with that class of arguments in favor of so objectionable a measure.

It is gravely stated that the lands are a corrupt and corrupting species of property, and ought, therefore, to be disposed of at once. Indeed! Why more corrupt than the revenue from customs? Either can be applied to purposes of personal or political aggrandizement, by unscrupulous politicians. But neither, in and of themselves, need be used to promote such profligacy. And from whom, sir, does this objection come? From the very persons who, by this very bill, still retain, in one of its sections, the absolute right in the General Government, notwithstanding the distribution, to dispose of any part or all of the lands themselves, in any manner and to any object, corrupting or otherwise, which Congress may deem proper. The bill, then, destroys the argument. In fine, sir, if the lands have, in special cases, been

heretofore applied to dishonest purposes, the bill retains a full power to make the same disposition of them hereafter.

With these hasty remarks on incidental or collateral points, I pass to the great paramount and direct principles involved in this alarming measure. First, as to some of its constitutional bearings. If we analyze its character with care, and look through forms and names to substance, I feel a strong conviction that several of its principles, and especially its tendencies, will be found directly at war with the spirit of the constitution. More than this, sir; the measure, as a whole, it is feared, will, on examination, appear to be exceedingly impolitic, at this juncture very ill-timed, and entirely delusive as to any beneficial results anticipated from it, either to the General Government, the States, or the people at large.

What, then, is its real character? I pronounce this distribution, sir, to be a gift to the several States — a naked gift. And if, on a thorough scrutiny, it turn out to be so, whether consisting of property or money, I shall endeavor to show it to be unconstitutional.

Less will be said, on some of the points connected with this branch of the inquiry, than if I had not been relieved by previous able discussions of them, on this and previous occasions. Let no one attempt to escape the conclusion that it is a gift by any suggestion, that, under the circumstances of the case, and the provisions of this bill, it ought to be considered in the light of the payment of a debt due to the States.

A debt! Why, sir? What State holds the bond or note of the General Government for this debt? None. Only seven of the twenty-six States ever made any cession of any supposed title to any of the public lands, whose proceeds are now illogically argued to be a debt due to each of the twenty-six. Nineteen of them never pretended any right to any of them, as separate States. How, then, do we owe any debt? How arises any semblance of debt to those nineteen? Even the other seven merely quit-claimed, or released to us, what most of them had little or no legal right to. They did it to quiet disturbances, settle conflicting pretensions, promote the general welfare of the whole United States, and never dreamed of creating thereby a debt for the value of the lands. If so, what was the amount of the debt? And why has it not been before demanded? On the contrary, the title of those seven States separately, sir, rested, to use the words of an old provincial governor, on about as strong a record as "the scratch of a bear's paw." The lands were mostly waste or crown lands; and, in the struggle of the Revolution, they were bought and paid for, by the whole thirteen States then in being, by their blood. Their indomitable courage and constancy conquered them. Their sacrifices, sufferings, and blood, balanced the accounts. But, beyond all this, what pretence of debt is due to those seven States for the immense domain of Louisiana and Florida, which they never claimed — never conveyed? That domain the General Government

bought of France and Spain, and paid for out of the public treasury. Yet, sir, by this bill, you undertake to pay those States, as well as the rest, a larger amount, on account of the lands thus obtained from foreigners, than all which were ever surrendered to us by all the seven States together. But it cannot be done as a debt.

Again: if a debt, why do we not deduct from it, in this bill, at least the acknowledged debts due to us from those and other States?

The Revolutionary debt due to us from several of the old States exceeds four millions of dollars; and the recent deposite with the States in 1837, acknowledged by their solemn laws as well as ours to be a debt due to us, exceeds twenty-eight millions. Yet this bill, if paying to them an old Revolutionary or more recent debt, should certainly deduct what is due to us. Once more, why does not the President recommend its payment in his message, as a debt, if it be one; and why did not the Secretary of the Treasury, so anxious to swell our national debt, discover and urge this as a part of it, instead of placing the distribution, as does the President, on grounds entirely different?

But more. If this be a debt, what right have we, as provided in this bill, to stop the payment on the occurrence of a war? What right have we, as in the bill, to stop payment of it, and dispose of the whole lands in any different manner which Congress may at any moment happen to prefer? What right have we, also, as in this bill, to stop the payment whenever Congress pleases to increase the minimum price of the public lands per acre? What right to suspend its payment when the tariff is increased above twenty per cent., as is now provided in the amended bill?

All these are gross usurpations, — violations of compacts, and disgraceful immorality on the part of the Senate, — if we regard these proceeds to belong to the States, as a debt due, and not to be a mere gift.

Let us pass from this untenable and contradictory hypothesis to another, somewhat more plausible, which is, that the distribution is the execution of a *trust* in favor of the States in these lands, rather than a gift.

Some have called it a resulting trust, after the payment of the Revolutionary debt. They have been driven to this from the fact, that, in several of the cessions, no trust whatever is expressed. Here are the whole of the grants proving that fact. But, if it be a resulting trust, let me ask you, sir, as a lawyer, and once a chancellor, as well as judge, if a trust can result of anything except what is contained in the deed, and to any person except the grantor in each deed? There would, then, result nothing, to any State, of the lands in Florida or Louisiana, as none of them are in any of the deeds. Nor would a trust result to any State, except of that particular land contained in its particular deed. Hence, for instance, instead of giving, as in this bill, to New York a vast distributive share in the whole of the public lands, she should have nothing in those purchased from foreign powers,

nor in those conveyed by other States, but simply all which remains of what was covered by her own deed. Under this view, also, as only seven States released any title whatever, nothing whatever could revert to any of the other nineteen, by way of resulting trust. Much more could be presented under this head, to show how utterly groundless, in every view, is this pretence, that the distribution is not a gift, because it is a resulting trust. But I forbear to weary the Senate with it.

The only other argument to prove it not to be a naked gift is an idea formerly much dwelt on, but, on full examination, found to be equally unfounded, that the distribution is the execution of an express trust contained in the deeds of cession.

Pray tell me, sir, if there was in them an express trust, to be fulfilled at a certain time, and in a certain event, to the States, *when* was that time, or what that event? Gentlemen have argued that it was after the payment of the Revolutionary debt, or of all the national debt. Yet here are the words, in every deed, in the document in my hand, and not a syllable of that kind appears in one of them. But, if it did, neither of those events has yet occurred. Some of the Revolutionary debt yet remains; and large charges for Revolutionary claims, including pensions, as well as for paying annuities to Indians, and discharging other expenses yearly, in the extinguishment of Indian titles, and the defence of that very soil from Indian incursions. So, some of the other portions of the national debt remain; and we have added to them, at this very session, twelve millions, and have in progress, in the ridiculous make-shift for a bank, the new-fangled Exchange Fiscal Corporation, an authority for ten or fifteen millions more.

The express trust is, then, as untenable as the resulting one; not only for these reasons, but that it cannot extend, by any pretence whatever, to any portion of Florida or Louisiana. Besides all this, however, the bill itself puts a veto on the whole assumption of its being the execution of a trust. If money is to be given to the States on that account and on their theory, — of its beginning when most of the debt was paid, — then the distribution should go back to 1835, and embrace all the net proceeds since. Then, too, it should in future reach only the NET proceeds, instead of taking, as it does, almost the whole gross proceeds. Then, as before mentioned, what right has Congress to reserve a power to stop the execution of this trust, and otherwise dispose of all or any of the lands, whenever it pleases? Then, how dare the chairman insert a provision in the bill, as he has, suspending the trust, in the occurrence of war? Where is the right to do it? How dare he, also, in that view, to annul the whole trust, as he does, if Congress at any time chooses merely to raise the minimum price of the public lands? How can we, ourselves, also be justified in the amendment made to suspend its whole operation, at any moment when it shall become necessary to raise the tariff higher than twenty per cent.? Who gave us such a power over this property, if it be an

express trust? Where is it conferred?—by whom? What right have we to retain the lead mines and salt springs, to lease for revenue? What right to the sixty or seventy millions of acres exchanged with the Indians in the far west? No, sir; the whole bill is inconsistent throughout with any such idea. The distribution is treated in all respects as a naked gift, and, as such, is to be made and regulated, if at all, by the constitution, and the provisions of it applicable to the disposal of all the property and money of the General Government.

Otherwise, it would also be impossible to exercise, as we do, an unlimited discretion in several other provisions. Thus, we give an additional per centage to some States, and withhold it from others. We give thousands of acres besides that, and an equal share to some States, and none to others. We make it begin at an arbitrary date, and we suspend it at an arbitrary date or event. We act as if uncontrolled; and the public must look to our acts on record for their true character, rather than our words in debate. There is no manly, honorable escape from these conclusions. We cannot hold up our heads as statesmen, and conduct in this way, except with our own;—never with a debt or a trust belonging to others. We can honestly act in this way only with property or money which belongs absolutely to the General Government, for common, public, joint, confederated purposes, and which we may possess the right to give away in this manner, consistently with the constitution. The chairman has felt the force of this, and has at last attempted a vindication of his bill, on the ground that it gives away the lands rather than money, and that Congress can rightfully give away the property of the General Government when and where it could not give away its money. This is the last refuge for defence; and if this position prove unsound, as I believe it to be totally, it will be difficult, if not impossible, to reconcile this distribution either with the letter or spirit of the constitution.

Where, then, let me inquire, can any clause in that sacred instrument be found, which, in the slightest degree, justifies such a conclusion? We are referred to the authority granted in section third, article fourth, "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

But did anybody, till within a year past, ever dream that this conferred a power to give away the whole public property, of every kind, of the General Government? What, sir! a power to arrange and regulate, or even to sell, meant to be one to give away? Was such a doctrine ever broached before, in the whole half-century which has preceded us under the constitution, and which has been filled with conflicts of the most astute and able minds to discover grounds for broad constructions? To dispose of property or appropriate money, not as douceurs or mere gifts, but objects connected with the "general welfare," has been considered very latitudinarian. But the argument which allows you to give away the whole of our princely domain,

extending from the Atlantic to the Rocky Mountains, and even to the Pacific Ocean,—to bestow our whole navy, our numerous fortifications, this very hall where we deliberate,—and these to any and every object, however local, narrow, or sectional, and to be applied, if any State chooses, to the erection of mere jails, a bounty on wolf-scalps, or the most paltry matter of domestic police,—outrages all the restrictions in the constitution, and declares open war with the Virginia platform of '98. In fine, it goes as much beyond the doctrine of the "general welfare," as that goes beyond the limitation of various specific objects enumerated in the constitution.

I feel mortified, sir, that a son of Virginia, the commonwealth that has heretofore fought so many victorious battles in favor of strict constructions, should for a moment have seemed to yield any kind of assent to such a worse than Hamiltonian heresy. He, too, a republican of the school of '98 (Mr. ARCHER). Why, sir, the whole discovery is in the teeth of the construction by Jefferson and Madison, cotemporaneous as well as that continued for half a century. It is death to every sacred principle,—death to public safety, public virtue, public liberty. It is, in truth, founded on an entire mistake as to the obvious meaning of the word *dispose*, and as to the object of that clause in the constitution. It was manifestly introduced, not to appropriate or apply our property, but merely to regulate its sale and management.

The word *dispose* usually means "to arrange," or "to bargain," or "to alienate;" as, "the man has disposed of his house," &c. Richardson, Johnson, and Webster, are full of such definitions. What, also, is "a sound and disposing mind," in a testator, but a mind capable of making a judicious bargain? Any different construction violates the ordinary signification of the words, as well as common sense. Why should a power be conferred on Congress to give away all our property, but not our money? This clause, like the authority intrusted to an agent, by an individual in society, to *dispose* of his farm, or of his stock of cattle, in the owner's absence, is a power to *sell* them, and not give them away. But, being sold, what shall be done with the proceeds depends, in both cases, on other and distinct arrangements, provisions, or orders. In this case, the clause to *dispose* of the lands, &c., is executed not by giving them away, but by selling them under the laws which form our beautiful system of land sales, that has been in force more than a quarter of a century.

Under this bill, the mode of disposing of the lands themselves, generally, is not attempted to be changed. They are still to be sold to A, B, and C, at public auction and private entry, and not to be given away to them. But, after being sold, like any other property, such as refuse lumber or timber, condemned vessels, goods forfeited, &c., and the proceeds paid into the public treasury, then this clause in the constitution as to their disposal is executed, exhausted. After that, this bill undertakes to give away the proceeds of those sales, but with no

more right or authority under that clause than under any other clause whatever. No, sir; such a course would subvert the natural import of the plainest language. It must give the proceeds away, if at all legally within and under the constitution, as it gives the half-millions of acres to nine of the States, by virtue of the clauses which specify to what objects the public money may be applied; and it should expressly apply them or their use, as is done with that half-million, to national objects. There is no other way legally of drawing money from the treasury which is once in it. There should be no other. And let me tell my friend from Virginia (Mr. ARCHER) that every dollar of this distribution — not like property granted, but like money voted — will be entered on the books of the treasury among the general revenues of the government, and come out of that treasury constitutionally only by an appropriation; and when paid out, must and will be charged up as among the expenditures of the year. It is, then, to be treated exactly like the money collected in taxes. There is no power in the constitution to treat the proceeds of property, or to give away the proceeds of property, differently from the proceeds of taxation.

What a miserable, wretched farce would it be to attempt to carry into effect the contrary doctrine! Then you could give away property, but not the money which was used to purchase it. You could collect money in taxes to buy other property to supply the place of that given away; and this second purchase might also be given away, but the money to buy it could not be.

Am I, sir,—in an American Senate, surrounded by the ambassadors of twenty-six sovereign States, many of them ex-judges, ex-governors, ex-secretaries, and conscript fathers for age and dignity,—am I doomed to listen to such deceptive reasoning, such morality? It is not possible for us to sanction a system of paltry evasion.

Forbidden by the true meaning of the word *dispose*, forbidden by the design of the whole clause, forbidden by sound logic, to make a gift of property, where you cannot make it of money, what would be the fatal consequences of such a practice, and which tend with equal force to forbid it?

Why, sir, in this way, the objects most sacred to the framers of the constitution, such as freedom of conscience and liberty of the press, might be placed in the most imminent danger, by giving away property to any or every purpose, without regard to constitutional limitations. The property might also be given to the most pernicious and demoralizing purposes. It might be given to establish partisan presses, to erect churches or theatres, to furnish shows of wild beasts, or gladiatorial combats, or triumphal processions, as in days of yore, and the whole community become betrayed, corrupted, and prostituted, with their own money. But, beyond this, the public property could be given to particular favored classes, whether manufacturers and the rich, or to the desperate and needy; and thus convert the government

substantially into an oppressive monied oligarchy, or a levelling, ferocious agrarianism.

A single other consideration, in respect to the remarks of some senators that Congress has been accustomed to give away lands more liberally, or on different principles, than money. But if this was so under impulses of feeling, or under the influence of our ample resources in land, it cannot alter a constitutional principle, which recognizes no distinction in the power to appropriate, or give away, either property or money.

Again: most of the cases supposed to be mere gifts of land, whether to individuals or States, have been, in fact, grants with a view to promote legitimate and express constitutional objects. Thus the donations for education in the new States have been asked to increase the inducements to remove there, and augment the value and sales of our other lands. So of the grants to canals or roads. So of the grants to the Revolutionary veterans, like Stark and Lafayette, to pay them more fully for their sacrifices and toils. So of lands granted for bounties to enlist, or, instead of pensions, to form a part of the compensation and reward for the most perilous services by flood and field.

Nor can there be any sound distinction, taken so ingeniously by the senator from Virginia (Mr. ARCHER), between the lands granted for *common* objects and property, or money obtained for *general* objects. Why, sir, the very first dictionary you open defines the word *general* to mean *common*. (See Todd's Johnson.) They mean the same precisely in the preamble of the constitution and elsewhere, when the *common* defence and the *general* welfare are spoken of under the same view and restrictions. So, in the deeds of cession by Virginia, Georgia, and North Carolina, to form "a common fund;" by Massachusetts, "for the common benefit;" by Connecticut, "for the common use and benefit." They all mean exactly the same as a *general* fund, or for the *general* benefit or *general* welfare; and when the old Congress voted, in 1780, to apply them to the "*common* benefit," they meant the same; and all their successors have done the same with the proceeds of them as with the taxes. What is the boasted designation of his own native State? It is the "unterrified *common*-wealth." Is she not, then, in consulting the *common* weal of her citizens, consulting their *general* weal? And can she give away the *property* of the State, more than its *money*, because she is a *common*-wealth? These points, sir, cannot require any further illustration. The property, as well as the money, held by the General Government, is, therefore, held for the common or general purposes for which that government was established. It is joint property. It is for joint, and not separate, objects of the States. It is for national or confederated ends, and not for the local ends of each State. It is, in fine, a species of joint stock company, or partnership, for both pecuniary and political specified objects.

The property, any more than the money, of such a partnership,

cannot rightfully be applied to other than the joint and enumerated objects. What lawyer, or even village referee, would dare to hold that either of these could be given away? or even used for the separate debts and purposes of one of the firm, while the firm continued, and was in debt, and needed the income of all its property? The division of the joint or common property would likewise be a dissolution of the compact, if not otherwise provided for, and tend, like this, to entire disunion, and the ruin of the partnership concerns. Under these views, and our well-known embarrassed condition as a common Confederacy at this crisis, the common property or common funds cannot be given to its separate members to be used separately, and for local objects, as is proposed by this bill, without, in my opinion, an open, clear, flagrant violation of the whole object of the cessions, and of all the constitutional regulations as to use and disposition of the public resources.

I may be too strong in this conclusion from these premises alone. But whether so or not, there are still other material considerations, which greatly tend to strengthen it.

Thus, the original idea of a distribution, whether of money or lands, was to appropriate them to some one of the great national objects supposed by its friends to be confided to the General Government, and not otherwise.

The only difference, very material from usual appropriations to those objects, was, to let the States expend these appropriations for common and joint objects, rather than for the General Government to do it. But, by this bill, we neither designate the objects of expenditure, so as to make them, in anybody's view, national, nor retain the control over the expenditure, so as to have it applied only to purposes contemplated and authorized by the constitution. This is a portentous departure from principle, as well as precedent, and tends to break down every constitutional barrier in use, either for property or money.

Go back, sir, fifteen years, and listen to some of the first whispers of distribution, and mark the dangerous departure since. Then it was a distribution proposed merely of a surplus in the treasury, and not particularly of the public lands. Then it was proposed to be made of an excess beyond our current wants, and not of what we forthwith needed; not, when we were embarrassed, resorting to loans, increasing our expenditures, and obliged to raise, by additional taxes, the whole, and even more than all we distribute. It was to be, also, of only an accidental excess; because, if a permanent one, it was conceded, on all sides, to be proper to prevent it by a reduction of the tariff, and to avoid, by all means, a constant distribution. It was then, likewise, to be expressly required, in the act of appropriation, to be applied exclusively to objects deemed national by its friends, and therefore constitutional.

When, in 1831 or 1832, a project originated for giving away the public lands, or their proceeds, it had become probable that the duties

would soon be reduced, after the payment of the public debt. Hence, it was perceived by the manufacturers, that, unless the lands were given away, the duties would be too much reduced, and the protection too much lessened, for their interests. The diminution would be three millions more than if the proceeds were given away, or appropriated to some great and exclusive objects. But did anybody then propose to keep duties high, much less to raise duties higher, for the sole purpose of distribution? Or did they dare then, at first, to attempt to distribute the lands, in order to help the manufacturers, or for any other purpose, whether of political ambition or personal aggrandizement, without restricting the use of them, in the appropriation itself, to what they considered national, and therefore what had the appearance of being constitutional objects? No, sir; the bill of the senator from Kentucky limited expressly the use of the proceeds of the lands to "education, internal improvement, colonization or reïmbursement of any existing debt contracted for internal improvements." (See journal of the Senate, July 2d, 1832.)

The speech of that senator, June 20th, 1832, urged the passage of his bill because those objects were "all national in their nature," and therefore constitutional. (Mr. W. read extracts from the speech.)

Go a step further, and look at the same learned senator's speech, delivered January 11, in that same year. I rejoice to find that he there, also, supports my present position; and, indeed, goes so far as to say virtually, not only that duties should not be raised to be distributed, but that a measure in the form of the very bill now before us would be both unwise and unconstitutional. In order to avoid any misconception of his meaning, I will give his own words.

"In making this inquiry [said Mr. CLAY], the first question which presents itself is, whether it is *expedient* to *preserve* the existing duties, in order to accumulate *a surplus* in the treasury, for the *purpose* of subsequent distribution among the several States. I think not. If the collection for the *purpose* of such a surplus is to be made from the pockets of one portion of the people to be ultimately returned to the same pockets, the process would be attended with the certain loss arising from the *charges of collection, and with the loss*, also, of interest while the money is performing the necessary circuit; and it would therefore be unwise. If it is to be collected from *one* portion of the people and given to *another*, it would be unjust. If it is to be given to *the States in their corporate capacity, to be used by them in their public expenditure*, I know of *no principle in the constitution which authorizes* the Federal Government to become such a collector for the States, nor of *any principle of safety or propriety* which admits of the States becoming *such recipients of gratuity* from the General Government."

In the teeth of all this, the specific appropriation in that bill was afterwards stricken out. The money was, as in this, "given to the States in their corporate capacity, to be vested by them in their public expenditure;" and the bill, as it ought to have been, even on its author's own reasoning, was then virtually vetoed by one of our fearless Presidents. General Jackson, in some respects "*the noblest Roman of them all*," dared to stem the tide of popular delusion, and

coincided in the principle avowed by the father of the measure at the commencement of that same year, when he (Mr. CLAY) said, "I know of no principle in the constitution which authorizes the Federal Government to become such a collector for the States."

Again, in 1836, the distribution was made of a surplus, and one accidental, not designed nor permanent. The excess was also not given away, but loaned on deposite. It was expressly stipulated to be returned whenever needed for the current expenditures of the General Government. If it had been a gift, it is well known that the bill would never have been signed by the executive. Look, also, to analogies elsewhere. Did the State of New York, in 1837, give money or property to her embarrassed citizens? No, sir. On the contrary, it made a loan, both in form and substance. Even England, with her omnipotent Parliament, has authorized only loans, on some occasions, to aid her mercantile or manufacturing classes in great commercial convulsions; but seldom, if ever, resorted to a gift so lavish, wasteful, and unconstitutional, as the present one.

The tendency of this measure, in another respect, goes to undermine the strongest foundations of our present form of government. It changes, in a most important particular, the whole relations between the General Government and the States. The power of the former is fearfully increased, by virtually conferring on it the whole taxing authority for the whole Union, for local as well as general objects. This power of taxation, whether by direct or indirect means,—by stamp acts, internal duties, or excise,—is all to be concentrated here, and the immense resources thus accumulated, as well as our present vast control over all foreign and general relations, to be wielded at discretion by a great central consolidated monarchy. Yes, sir; a practical monarchy, ere long, in such an event, is as inevitable as that the gentlest gales may be swollen into tempests, and pestilence fester into death.

On the other hand, the States, once independent, sink into most humiliating reliance for daily bread on their former servants. The sovereigns become the slaves. Our whole system becomes metamorphosed, and the original attitudes and relations between the members of the Union and the Union itself are virtually dissolved. This I say, sir, from personal conviction; and in this I am backed by the fearless and inflexible freemen of the State I help to represent. At the last session of her Legislature, the following, among other sagacious resolutions, was adopted:

"*Resolved*, That the distribution of the public revenue — whether it may have accrued from the proceeds of the sales of the public lands, or otherwise — is without sanction in the constitution, would be disastrous to the prosperity of the States, and tend to destroy that *due relation* between the States *and the Federal Government*, to preserve which should be the paramount object of legislation."

Not to be tedious on this, I pass to another consideration, which shows the direct tendencies of this measure to produce what most of

us admit to be clearly unconstitutional. It is this. To the extent of the amount distributed to the indebted States, the distribution is urged on us, as it substantially is, a measure designed for their relief. Such has been the reasoning of distinguished senators in this chamber,—"*to relieve the old States in embarrassment;*" and, as the executive message says, to help "*the debtor States.*" High-minded and honorable men will not countenance evasion, but look through the mere surface — the varnish. What, then, is a measure so recommended, and so passed, but, in substance, to the amount pledged to be given, an assumption of State debts? Why else, sir, does the gentleman from Virginia appeal so eloquently to our sympathies in behalf of the indebted States? Why, sir, did the chief magistrate himself argue in favor of the measure (under certain wise limitations, however, hereafter to be noticed), except that it would relieve the indebted States from a resort to oppressive direct taxation?

Why is the bill to be passed at all as a measure, among others, demanding a hasty and extraordinary session, if not designed as a relief to them, by furnishing the money to help to discharge the debts under which they are represented to be now suffering so deeply? Within two years we have solemnly resolved that the assumption of State debts is not warranted by the constitution; so has the President decided in his message, at the opening of the present session. But if we promise to furnish to those States in debt, because they are in debt, and need relief, the money to help to pay a portion of their liabilities, is not this a virtual assumption of their debts to that extent? Will it not increase the value, in the market, of their bonds, to the extent of that assumption? Base, dishonorable, craven, would it be, for us to attempt by indirection what we are ashamed to do directly. Let the measure, then, stand or fall on its real character; and, if I am capable of understanding either facts or principles, the constitution is in danger of being thus violated in a most essential particular.

To dwell no longer on considerations of this character, I shall pass to others of a different bearing, after invoking the attention of the Senate a moment to the oppressive departure of this distribution from that equality and justice among the members of the Union, which are the only effectual preservatives of either the constitution or the Union. Thus it is manifestly a measure to aid the indebted States, rather than the rest. Nay, more; it is done, in some respects, at the expense of those not indebted, as you tax all for the help of the former. The prudence and economy of the latter are unjustly requited. They neither need your distribution, nor can they willingly submit to high taxation for the benefit of others. If they take your gifts, they will prove like Indian gifts, for which you will exact, in return, much more in amount. These miscalled donations cannot, by them, be often employed in any beneficial manner, without a risk in beginning new works or new speculations, that will involve them, like the deposites of 1837, in larger taxes and heavy losses. If divided *per capita* among

their citizens, which is perhaps the more just course, it will come like money won by chance, or drawn in a lottery, and injure, as well as corrupt, most of those connected in any way with its employment. It will prove worse than the Georgia land lotteries, so strongly denounced by others in this debate; and, like the gift of Pandora's box, be fatal with every evil, except delusive hope. Thirteen States — little indebted, several of them not at all, and the whole not a million each on an average — are, by this measure, to be oppressed and demoralized, in order to carry this distribution into other States,— others, too, which need only because they have been less frugal and provident. What does this resemble but pillage and plunder, under the forms of law? This is not only impolitic and unwise, but it is unjust, immoral, and destructive of every fraternal feeling between the different States.

It is partial, also, to the west, as contradistinguished from the Atlantic, so as in a material respect to constitute another inequality among members of the same Union, possessing equal rights; because a larger portion of imported articles from which the additional tax is to be obtained is consumed on the seaboard. The articles being cheaper to the latter than the former, are more used, and the latter are by habit attached to their use. But no inequality would be caused, if the distribution was not made, and each State was obliged to supply its own wants, or pay its own debts, by its own system of taxation. The Western States obtain also ten per cent. more in money, and half a million of acres more in land, than the Atlantic States; and thus another great apparent inequality is introduced. Whatever increase of population may before another census occur, in the new States, to justify this in some degree, it has not yet taken place; and it will happen, too, in some of the Atlantic States, such as New York and Maine, as well as in the west. Yet the last States get neither the ten per cent. nor the half-million acres of land; though, on that theory, they are equally and justly entitled to both. Again, this measure discriminates most oppressively against and in favor of particular classes. Against consumers, who lose in all ways by it. For manufacturers, who gain on almost everything. The rich, also, are relieved from the direct taxes of the States, which would otherwise fall chiefly on their property for this three or four millions; and the burden is transferred, or flung in a great measure on the middling and lower classes, the agriculturists and mechanics, who, with their families, will be obliged to pay quite as much, under the proposed tariff, as the most opulent.

It is thus made more onerous to the masses, whose wants, on the contrary, most need relief, and a neglect of whom brought the Bourbons to the guillotine. It will tend to excite retaliation abroad by higher duties on foreign products, and thus derange capital at home, circumscribe commerce, and depress some branches of industry. It may alienate whole sections of the Union, as it revives the heart-burnings and jealousies that preceded the last tariff compromise. It

is not like a national bank, nor an ordinary bad law, such as the sedition act, which operates but on a few, or temporarily. It rather poisons the whole fabric of society, and, it is feared, ineradicably. It is like the taste of that forbidden fruit by our first parents, which brought in death and sin, with all our woes, and diffused the taint of depravity through the whole of their erring race.

Beware, then, sir, lest the first step in this distribution be not the last one, — the fatal step to the preservation of the constitution, and the peace, as well as perpetuity, of the Union!

A few minutes more, sir, on the other tendencies of this measure, independent of the constitution.

Why have I before called it exceedingly impolitic? Because it is a measure that, under the existing condition of the treasury, will require us first to collect back in taxes every dollar distributed from the public lands. This is amply enough to stamp the measure as idle; and, if intended to operate equally, as useless. But this is not all. We are next compelled to collect the same amount, by resorting to high duties; and thus greatly increasing the expenses of collection, in order to guard, by more officers and cutters, against smuggling. This will obviate all the usual difference, dwelt on by the senator from Virginia (Mr. ARCHER), in favor of the greater cheapness that sometimes exists in collecting indirect, rather than direct taxes. That senator has, however, entirely overlooked one or two other large additions to the burdens imposed, over and above the amount of the gift. There is the new and extra cost, and risk, and delay, of paying over and transferring this money to the States. There is a higher price paid for the domestic manufacture, whenever its rival from abroad is taxed, and is almost equal to that tax. There is a higher price also for the profits of the different dealers, on the increased cost of the article, by means of the duties.

There is an augmented burden, as before explained, flung unjustly and impoliticly on the agriculturist, to aid indirectly the manufacturer; and on the middling and less wealthy classes, to aid the rich. This is a burden from which, under a tariff on necessaries, the former cannot escape, as the senator before me (Mr. ARCHER) has hastily supposed, unless they flee from civilization to more than savage life.

Under most tariffs, when judicious, luxuries alone are taxed high, and the necessaries of life are left either low or entirely free. Then his theory would be plausible, that the tax would fall on income more than capital, and would be usually voluntary, and would be mostly avoided by not consuming luxuries. But here, sir, you propose to tax almost every necessary quite as high as the most useless luxury; and he that would avoid the tax can hardly escape it, either by dying or living. It infests everything and everybody. Let one return to the use of mere bread and water: even the water he must drink from a gourd, or pay a tax on his pitcher and tumbler; and as to his bread, — the grain must be pulled, and not reaped with a taxed sickle, —

must be eaten without salt, molasses or sugar,—for they are all taxed as high as the most costly wines and splendid jewelry. More, sir: he must wear skins, as both cottons and woollens will pay a large duty. ["Coon-skins," said Mr. SEVIER.] Yes, whig "coon-skins and gourds." He cannot venture even on an Indian blanket, it is taxed so enormously; much more, buy a taxed Indian kettle, or use even a trap, knife or rifle, like the poorest savage,—for they are all burdened to help pay for this execrable distribution. He must, in truth, rebarbarize, and become more helpless and degraded than the meanest savage, in order to realize the senator's fancy sketch of a free, independent and prosperous American, avoiding the beautiful and beneficent operation of his favorite tariff system, by not using taxed articles. What a blessing and exemption it must prove to the Virginia planter, as well as the farmer of the east! Does not the gentleman see, that, in the great use of foreign iron, neither of them can turn a furrow, without a tax on their plough and chains; neither weed their corn, but with taxed hoes; nor load nor spread their manure, without taxed shovels; nor reap, nor mow, nor grind their grain, without being taxed in all possible ways? Not even a horse-shoe nor a knife can escape.

These illustrations might be followed out much further, to show the crying impolicy of either keeping high taxes on some necessaries or raising them on others, so as to enable us to give away the proceeds of the public lands. But I hasten over them, to glance a minute at another striking evidence of its impolicy. The compromise of 1833 pacified great interests, and should be sacred. This act violates the spirit of that compromise in several essential particulars. It first requires an increase of the tariff on free articles, to take effect before 1842, when, if the lands are retained, it would not be necessary on those articles, either at all, or certainly not till the periods indicated in the act of 1833. It next requires an increase of duties, under this distribution, and on account of it, which would not be necessary for revenue, without so wasteful a gift. Now, an augmentation of revenue for this gift, and not "for an economical administration of the government," which is the express limitation of the compromise, is as much a violation of the spirit of the compromise as it would be to raise the tariff above twenty per cent. It is likely, also, that, ere long, the tariff must and will be raised on some articles above twenty per cent., and the restrictive clause against stopping the distribution be then repealed, or evaded by an improper resort to more loans in peace. Because, without a great change in policy and prospects, it can hardly be possible to meet the increasing expenses of the government, unless heavier taxes, or a retention of the income of the public lands, takes place. If, to escape it, we plunge into a larger debt in time of peace, and build up unnecessarily a class of dronish fundholders, the impolicy of the distribution will be no less manifest.

So, whether we halt in taxes at twenty per cent. and resort to loans,

or go higher and not resort to them, the design of the compromise is violated, and this measure becomes very impolitic. Forcing us up even to twenty per cent., to give away, is outrageous. Why, sir, a twenty per cent. tax, and that on necessaries, is double the odious tithe tax of church and state, from which we so often boast an exemption in this land of republican liberty; so a twenty per cent. tax on tea is double the British tax of three cents a pound on tea, which helped so powerfully, by its oppression, to drive our fathers into rebellion.

Proceed, then, if you will, in this ruinous career. Break through, then, as you will and must at this or the next session, the sacred compromise. Borrow largely, or go up to twenty-five or thirty per cent., as is probable, in taxes, not to meet necessary expenses, but lavish ones, and to enable us to make this fatal gift. Destroy your pledged, recorded faith with the south. Arouse again, as in 1831 and '2, brother against brother, State against State. Cast once more an apple of discord,—a firebrand into every region of our happy Union. Prepare to blot the glorious star of State after State from the constellation of the Union. But reconsider, I beseech you, all the direful consequences, before you strike the first blow.

I pass by more of its impolicy on other accounts, to add that, in the present juncture, the distribution is peculiarly *ill-timed*, as well as impolitic. Have you not heard, sir, from your own friends, till we are almost deaf, that the General Government is, at this moment, almost insolvent,—that its debts are large, and that they, as well as its expenses, are fearfully increasing? And is this a time to part with all our permanent and valuable income? Is this a time for a self-styled republican to seem to sneer like some senators at economy? To give away our great means, not only of making preparation, but of furnishing security for necessary loans?

Why, sir, such a spendthrift course in an individual, as to his private affairs, would subject him, in New England, to be placed under guardianship; and, in the South, I apprehend that he would hardly be saved from the insane hospital. We must tear off the mask, or be lost.

There is a deeper question still, as to the time. Are our forts not said to be dilapidated, and some of them occupied only by bats and owls? Is our navy not represented as rotting down? our naval steam-batteries few and inefficient? and an enemy almost thundering at the gates of the capitol?

Never, no, never, sir, can it be wise, in such an emergency, with such evil portents in every quarter, to strip ourselves naked and defenceless, before a bold, enterprising, and bitter foe. Under a form of government the most difficult in the world to prepare seasonably for war, we deliberately remove from it the means already possessed for such wise preparation. We refuse the wise motion of the senator on my right (Mr. Linn), to dedicate these lands to that impending

necessity; and we do it, as he eloquently described, when surrounded with dangers on all sides, of almost every degree of horror.

The burning of the Caroline, and the murder of our citizens, are still in controversy; the north-eastern boundary unsettled, and hanging like a dark cloud over that frontier; the mouth of the Oregon perhaps to be fought for; the confiscation of our slaves in the Bermudas persisted in; our peaceful merchantmen seized, and, with deep humiliation to us, searched on the coast of Africa; Indian massacre menaced on the western frontier, and a servile insurrection meditated by British fanaticism in the fair savannas of the south. Yet this is the crisis seized on, not only to give away large resources, but to give them for the avowed purpose of being paid over to our haughty enemies. Let the States themselves faithfully perform their obligations, as they doubtless will, in time, to all,—even to England. But let not us, who are under no contract to advance this money, give it away virtually to strengthen our foes,—we, who owe her nothing, except reprisals or punishment. It has long been quoted as an illustration of Dutch cupidity, that gunpowder was, for gain, allowed to be sold during war to their enemies. But in this we evince the still greater stupidity of virtually *giving* gunpowder to our enemies. We furnish, too, by this distribution, at this ill-timed and ill-starred moment, under a condition to be suspended when actual war happens, a sort of pledge to our enemies, that, however much we are encroached on, however insulted, however dishonored, peace is not likely to be interrupted by the States or the people, as in that event the distribution will be recalled. What a degrading policy! How derogatory the tendency! What a moral for history!

But, with these proceeds wisely devoted to preparation in peace for defence in war, an inland frontier of five thousand miles in extent can be strengthened at the most exposed points, and armed freemen protect the rest with their bayonets. A sea-coast of two thousand miles can be, in time, studded with forts and batteries, and our populous marts of commerce, instead of being naked to the assaults of invaders stimulated by the prospect of *booty and beauty*, will be skilfully protected from conflagration and pillage.

One remaining view of the whole subject, and I close.

All the brilliant expectations now formed of this distribution are proved to be delusive. The whole history and character of the measure show that it has changed within the last fifteen years, so as now to be vitally different from what it was at first. Those individuals, therefore, who formerly approved, could now consistently oppose distribution. Those States, likewise, who have formed expectations of advantage under different circumstances, and then desired the distribution, might now properly resist it, as an eventual injury. There has been inattention, in some quarters, to these essential differences. Others have looked only to the dazzling lustre of a large gift, without considering that, in the present exigency, it is a deluding appearance

of generosity, without being really beneficial to either the General Government, the States as a whole, or the people at large. This can be shown to a certainty almost equalling mathematical demonstration. Analyze the matter a moment. Most assuredly the General Government can gain nothing by the operation finally, but a character for stupidity in relinquishing, when much needed, a certain and large source of income, and the odium of resorting to higher taxes instead of it. It introduces, also, into the finances, when deranged by a repeal of the sub-treasury and a new system of large loans, an element of disturbance novel and wide-spread,—a hazardous transfer of three millions of distribution into the different States, however remote from the usual channels of commerce. How much this, like the distribution in 1837, may help to injure the banking institutions and derange the exchanges, time only can determine.

Politically, the General Government becomes still more unfavorably affected, by acting in the menial character of a tax-collector for others. And, however its power may be thus fearfully enlarged, and in time abused, it loses much dignity,—it ceases to be respected, though dreaded, and exchanges tranquillity, as well as esteem, for the miseries which must eventually come of anarchy, disunion, or tyranny.

In regard to the States, taken together, if the distribution be equal, and only a like sum is to be returned to us in new taxes, they can gain nothing; if it be unequal, as it is, we have treated some with gross partiality, and some with wicked injustice. So much for its fiscal effect on them generally. But, if a larger sum is to be returned, or rather collected from their inhabitants, in consequence of this distribution, as has been before demonstrated to be the case, then an actual monied loss is inflicted on the States as a whole. All the States, too, must lose in relative power with the General Government politically; all must feel humiliated by receiving a sort of alms, and all must, in time, sink from proud sovereignties into little more than dependent provinces, or tributary counties. But it may be asked, do not even the indebted States gain something? Not a dollar, if the distribution is equal, because they receive no larger a proportion of the proceeds of the lands than the States not indebted, and, as formerly explained, they must have collected from them, under the tariff, if equal, even a larger amount than the sum received. How can it, then, be accounted for that these indebted States are anxious for the measure? I answer, because the tax will hereafter be collected to that amount by the General Government, rather than by the States; that is the whole advantage. While, to counterbalance it, more is obliged to be collected from their citizens; and just offence is given to the States not indebted, that they are to be taxed higher when not in debt themselves, nor wanting the proceeds themselves, but fleeced as they are for the accommodation of other States, more improvident, wasteful, and, in a fiscal view, less deserving. Even the others have often been deceived into resolutions and approvals favorable to a dis-

tribution, under the false notion that there is a spare surplus, and that taxes need not be raised higher in consequence of the gift, and that the amount received will be a vast relief to them in the discharge of their indebtedness. The fallacy of these expectations has already been made manifest, except the last, which, if possible, will appear, on examination, more utterly groundless and delusive than the others. In fact, the indebted States do not procure a dollar more towards paying their debts than is raised by the tariff from their own citizens, nor indeed so much. Again, the whole sum obtained by this arrangement is a mere drop in the bucket to help the indebted States to meet their obligations. Thus, for example, half of the twenty-six States owe the whole debt, except about thirteen millions of dollars. The sum they all owe at this time cannot fall much short of two hundred millions, of which this three millions' gift, if all going to that purpose, would pay about one-seventieth only of the principal, leaving sixty-nine parts of it, out of seventy, still to be raised by the States themselves, under their own taxation. What impotent relief! What a mockery to those who have been flattered with the false hopes that this distribution was alone to save them from insolvency, and extinguish the whole, or nearly the whole, of their imprudent liabilities! Shame on such delusions! Not to dwell too long in details, I pass by many connected with this topic, to say that the single case of Pennsylvania may illustrate most fully the inefficiency of this distribution to extricate from difficulty that class of States.

[Here Mr. CLAY, of Kentucky, asked, across the Senate-chamber, What will you do with North Carolina, who owes nothing? Mr. W. replied, If the gentleman will have patience a moment longer, I will show that the States not indebted are worse treated, and will fare worse, than those which are indebted.]

Pennsylvania owes near forty millions. Her annual interest cannot be much, if any, less than two millions. Her share in the distribution, at $10,000 for each electoral vote, will be about $300,000. This would pay so little of the principal as to leave undischarged $39,700,000, and, what is a more just view, would leave, of the interest alone, to be still raised from taxation and her other resources, $1,700,000 yearly, without extinguishing then a single dollar of the immense forty million principal. This is a sample of the whole. I know, sir, that this great Keystone State in politics is also able to develop her immense resources, and discharge punctually and honorably all her obligations. I entertain as little doubt that she is willing to do it,—is doing it, and will prove successful,—even the Keystone in her financial energies, as well as in her politics. But it is demonstrable that, to accomplish it, she must put her own shoulder to the wheel, and never rely on this deluding, paltry, derogatory, beggarly, false charity of the distribution. If the value of State stocks should be raised by it, the gain would be to the holder,—often a speculator and foreigner,—and not to the States, unless they sell more, which is to be

deprecated and prevented, rather than encouraged. Now, sir, a moment to the States not indebted, including North Carolina, and a reply to the question of the senator from Kentucky. Several of that class, five or six in number, owe nothing, and some so little that the thirteen together are, as before remarked, indebted but thirteen millions in the aggregate. They throw one hundred and six electoral votes, and hence would receive over a million, or one-third of the whole distribution. Is this a blessing, or a curse in disguise, even to them? First, they receive it when not needed to pay principal or interest of their debts; next, they receive it when not wanted for works of internal improvement, or colonization, or even education. Their other resources for these purposes are ample,— or they have no roads or canals to make which would be profitable, or not involve them in further and ruinous expenditure, and many have no blacks to colonize.

Furthermore, if they had all those things to be done, they could more economically, by their State system of taxation, collect this very million of dollars, than have it collected from them as it is now to be by the General Government, with costs, commissions, interest, and other additions; and then only the naked sum handed back as a distribution — a gift and a blessing — which they themselves have been obliged to contribute from the sweat of their own brows.

This, then, is the subtle Greek gift, to be feared most by them. This your relief — your whig relief! The generous dealing with the States not indebted is, to give them not a single dollar but what is extracted from them again in taxes; in most cases, to collect even more; to subject many of them to this taxation, when they do not need the proceeds of it; to force them often into wasteful extravagance with it, and cause still further taxation to meet that; or, if loaned out for profit, to become brokers, and lend it to large corporations; or, if distributed *per capita*, to promote dissipation and waste in those receiving it, as if it was some gambling lottery, or other chance windfall, which is usually most pernicious and immoral in its operation. But there are, sir, back of all these, some considerations affecting injuriously both the indebted and non-indebted States. By changing the system of taxation from one chiefly direct to one indirect, and by throwing the collection of it to a distance on the General Government, instead of bringing it home by State officers to their own doors, openly "eating up their substance," the States, in appearance, feel the tax less, while their citizens, in truth, pay more. The States are tempted, not only, in fact, to increase the public burdens in this way, but to embark in additional enterprises, larger expenditures, and to conduct their whole finances in a more profuse and even prodigal manner. Beside this, and over all this, a greater portion of the tax is thus wrung from the consuming States, that do not manufacture, and a greater benefit conferred on other States, that do.

In every way, then, as regards the States in their separate State capacities, the distribution is a delusion to all, unequal and unjust to

many, really beneficial to none; and, fiscally, as well as politically, to the whole, most pernicious in its tendencies.

But when we turn a moment to the people as individuals, and without reference to their governments, whether State or Federal, the operation of this measure is oppressive in the extreme.

Beside its general tendency to relieve property or capital from taxation, as admitted by the senator before me (Mr. ARCHER), and thus to relieve the rich who own it, and who least need relief as a class,— beside its temptation to make more expenditure and debt, which aid the same class, and to assist the foreign and domestic fundholder, who often bought in on speculation, and undeservedly has got a new security to the small extent of the amount paid over by us to the indebted States (and who are, in truth, the only persons aided by it, except jobbers in politics, as well as in stocks),—the change which it forces in the tariff operates on a vast majority of the community with a most destructive partiality.

Thus,—for a single example, which will come home in its details to the business and bosoms of all,—in consequence of giving away, by this distribution, three millions of the proceeds of the public lands, it is proposed to reduce the duties on no necessaries of life, but, among other things, to raise them twenty per cent. on tea and coffee.

Now, sir, this last will yield, on our average consumption, only about two millions, and not, as misapprehended by many, nearly three millions. The duties on salt and molasses are now about one and a half millions, and in 1842, when at twenty per cent., will not much, if any, exceed one million. Hence it follows, that both salt and molasses might be made free, and coffee and tea left free, if we did not give away this three millions, and, in consequence of it, require the high tax of twenty per cent. to be retained on salt and molasses, and as high an one to be imposed anew on tea and coffee. Hence, sir, you see the first bitter fruits to the middling and poorer classes over the whole country of this boasted benevolent distribution,—a tax on four of their greatest necessaries, quite three millions in amount, which might otherwise be entirely free.

But this is not the worst feature in the oppression thus caused to the farming interest, mechanics with small estates, and *last, though not least*, to the mere laboring classes of every kind of workmen. They, all together, constitute much of the bone and muscle of the community; and not only the physical power, but much of the sound intellect, the useful intelligence, the soul, the morals, the industry, and life-blood of society. It becomes, virtually, an abhorrent poll-tax on these classes for a large portion of this unnecessary burthen. This is not a popular tirade. To prove by facts, and to see ourselves how they are treated by this change in the system of collecting three millions by the tariff instead of the States,—a change so much lauded by the senator from Virginia,—let us examine a single computation. Take my own State, and which, in this respect, may be a fair sample,

not only for the interior of the east, but of the whole Union. The population of New Hampshire is a little less than 300,000, paying a State, county, pauper, and school tax, of not over $300,000, or a dollar per head. Of this, a small farmer, with a family of five children, making seven,— the average number of a family,— would not generally pay over five dollars; because our system, as that of other States, is to collect taxes chiefly from capital, valuable houses and lands, from stock in trade, money at interest, bank-shares, horses, &c. In this condition of things the distribution is made, and New Hampshire, with her present electoral vote, would receive $70,000. If this amount was then to be supplied, as it must be, by taxes, and those collected under our State system, rather than by the proposed resort to the tariff, the farmer and his family of seven would pay only $1.16 more. But, by an increased duty of twenty per cent. on tea and coffee alone, which equals only two millions, and hence would, or should, to be equal, impose on New Hampshire only two-thirds of the $70,000, he has to pay about $1.77 instead of $1.16, being an addition, or loss to each farmer, of more than fifty per cent. Thus, on a pound and a half of tea,— the average consumption per head,— it is nine cents, which, for seven persons, is sixty-three cents. On six pounds of coffee per head, at two cents a pound, is twelve cents; and for seven persons, eighty-four. These alone make $1.47. Add to these the assessment above twenty per cent. for home valuation, the increased price for cash duties, and the profits of the intermediate dealers on those, and the duty, and they constitute, on the whole, a higher charge yearly to each farmer, by at least thirty cents more. This would make $1.77 paid to raise only two-thirds the amount, instead of $1.16, paid under a State tax, to raise the whole. Thus it is manifest that he pays in this way sixty-one cents more on these articles alone, or above fifty per cent. more, than he would under the State taxes; and, beside all this, is continued to be subjected to twenty per cent. taxes on all his salt and molasses, that might otherwise be free.

But take the class of laborers and artisans, who pay merely a poll tax, or that and a cow or small house and garden, which might make their whole State taxation, with a family of seven, not exceed a dollar or a dollar and a quarter. This class drink as much coffee and tea, usually, as the farmer himself, and their additional tax on them would be near $1.77, while the increase of the State tax, to raise a like sum, would not be over twenty-five or thirty cents; making a discrimination against that whole class of equal to six or seven hundred per cent., and making them use taxed salt and taxed molasses, daily and hourly taxed necessaries, instead of free ones.

These two great classes of people, thus oppressed by such a system, constitute more than one-half of the population of most of the States; and, while we both lower and raise the tariff, to benefit wealthy capitalists engaged in manufactures,— not one to ten so numerous as agriculturists,— while we change the system of taxation avowedly to relieve

property and the rich, we do this at the expense of the more necessitous, and of the great masses. Thus we utterly neglect the greatest good of the greatest number. The extent of the inequality and outrage can hardly be comprehended, sir, till you consider, that if only half of the population of the United States consist of these classes, and if they suffer by this unjust discrimination only three-fourths of a dollar to each family of seven, it must be a loss yearly to them of nearly a million of dollars.

What a wretched cheat, as well as rank oppression, must the whole measure, then, prove to be in practice to the people at large! In this age of the schoolmaster abroad, and the great power of the press, do you expect them to be blind as well as deaf, and senseless to such injustice? No, sir. An act like this may be passed under impulses, — it may answer a temporary end, if adopted, to advance the interests of unscrupulous demagogues, and political jobbers as well as stockjobbers. But surely it will deprave, degrade, and defraud, all connected with the miserable delusion. Surely, the sound statesman, as well as the virtuous yeomanry of the country, will, when fully possessed of all the facts and principles adverse to its adoption, lament and deprecate a measure so pregnant with evil.

I may have failed to collect and present the most important of those facts and principles, so as now to produce such a conviction. Certainly I have not such confidence in my success as to anticipate a rejection of this bill, unless gentlemen opposite will condescend to examine further for themselves, and postpone a final decision till they can coolly and conscientiously revise previous impressions. If they, however, will neither delay the measure nor reject it, I am not without some faint hope that it may never become a law of the land. There is another high tribunal under the constitution whose ordeal it must pass. From the past scenes of this session, where the President, under a fearful responsibility, has exhibited the lofty moral sublimity of preferring duty to party, and has, by his example, recalled to memory some of the best days of either modern or ancient republics, I expect at least a full and fair consideration of the measure. I neither ask nor wish from the President any sacrifices of principle on this or any other measure. But I do trust that he will consider the substance more than the form of the present act; and if, as a senator, he voted against the similar bill of 1832, at a time when there was a surplus existing, or anticipated, rather than, as now, a deficiency and a resort to additional taxes rendered indispensable, and at a time when it was admitted by friends of the measure that a bill in this form, and under present circumstances, would be without constitutional sanction, he must now, as President, certainly hesitate, if looking to consistency, as well as constitutional duty.

He must see, also, great doubts in collecting money by one ratio under the constitution, and in distributing it by another, and in conforming neither to the idea of a debt or trust due to the States, nor to

any rule of specific appropriation of this money as a gift or grant, but rather make it to aid in the discharge or assumption of State debts, or some other objects which cannot, by possibility, come within any fair constitutional power over these delicate and highly responsible matters.

But no more of this. If all here fails, there is still another power, — another tribunal, above either Senates or Presidents,— which I trust in God will set everything right. This bill cannot go into actual operation till next year. In the mean time, and before the leprosy of corruption can penetrate and taint the body politic, the people may get light more full and unclouded. The blue sky of hope is gleaming out in various quarters. Let discussion and examination, reason and justice, a sense of equal rights among all the members of the Union and all classes of the community, be roused and electrify the whole. Then repeal will be invoked in a voice wide, deep, and irresistible. No difficulty in the way can arise, as to vested rights or violated compacts. The whole matter is public in its origin, public in its progress, public in its ends.

Let the great conservative power in our system, then, be honestly and faithfully appealed to, and a repeal will, in my apprehension, become as certain by the fiat of the people, as are the movements of that omnipotent Providence, which controls not only the planetary system, but all human designs.

NATIONAL FINANCES.*

All admit that this is an alarming exigency in our financial affairs. The bill on your table, as well as the proposed amendment to it, both look to the dire necessity of borrowing something, not only in a period of profound peace, but at a moment when our credit has suddenly become much depreciated; friends and foes must, therefore, be anxious to effect a loan on the best terms which are practicable. As a general rule, the loan should be small in amount as possible; and the best terms would certainly be the lowest rate of interest, and the shortest period, which are obtainable in so critical a position. We can hardly appreciate the change in that position, and its present deplorable char-

* A speech on the Loan Bill; delivered in the United States Senate, April 9, 1842.

acter, unless we advert to our situation one short year ago, with no permanent debt of our own, with a small temporary one of only five or six millions, and that above or at par, with a reduced and reducing expenditure, with a revenue from lands and customs ample, under slight revisions in the latter, to meet such an expenditure, and extinguish the whole debt, and with a national credit untarnished, undepreciated, and unsuspected. If, more in sorrow than in anger or in party reproach, we contrast that lofty position with what now stares us in the face, — a hideous mass of large permanent debt, and a still larger temporary one, — greatly increased expenditures, depreciated stocks, and protest on protest for non-payment of ordinary demands, as well as temporary loans, — our hearts must recoil at the sight. When we look further, and see the whole land revenue squandered, and an impossibility of getting onward in such a ruinous career without further disgrace, further acts of bankruptcy, or further loans at rank usury, it all admonishes us solemnly that something wrong must have produced such disasters, and that something new and efficient must be adopted to remove them. Let us examine the subject, then, in a manner which an emergency so calamitous demands, rising, for once, above party or the mere politics of the day, and forgetting everything but what is required of us as statesmen, patriots, and senators. I shall, therefore, forbear to criminate or recriminate; and, in such a condition of peril to the country and its high character, I will devote my whole efforts to discover the best mode of relief, through a loan, which appears to comport with public honor and public safety, and which, at the same time, bids fair to be crowned with success.

Hence, I am willing to overlook every consideration of form in this bill, and every subordinate objection, if only the main features of it can be made such as are most likely to insure a creditable escape from present ignominy. I say nothing, then, as to the extension of the time for a year or two within which the loan must be made, if made at all. Nor will I be captious concerning the amount which the executive is authorized to borrow, though in one view it is much too large, and in another it is not large enough, by several millions, to carry out the policy now in force. Nor will I dwell on the better reasons which exist for a monthly publication of what is done under this bill, as in the case of all our treasury note bills, rather than a report of it to Congress hereafter, which, of course, could call for it without this provision. Nor am I tenacious as to the form of advertising and of accepting offers, though, in some respects, exceptionable. Nor will I stop to expose the great danger of issuing certificates virtually to bearer, and also in sums as small as fifty dollars, or fifty cents, and thus open the door to infinite difficulties or frauds, and forgeries, in respect to the payment of interest, and create a paper circulation not redeemable at all for twenty years, and for discharging which not even the one dollar of specie to three of paper is required to be kept, which the original exchequer project provided for.

Nor will I, on this occasion, so pressing and momentous, indulge even in reply, at any length, to many party strictures, made in the course of this debate, by senators on the other side. They have been such as to swell the real expenses of the last administration to thirty-five millions, on an average, yearly, when all who examine with care know and admit them to have been but twenty-seven and a fraction;—such as taunting us with the Florida war, when our opponents engaged to end it in a single month, but have not yet finished it, though more than a year has elapsed; and such as asking for the monuments over the country of our expenses, and declaring that none exist, when all the civil, foreign, judicial, legislative, military and naval operations of the country, have been promptly sustained; immense removals of Indians made, to give place to Christian civilization; large pension payments continued to the survivors of the Revolution; numerous public buildings erected; arsenals, armories, barracks and forts built; roads extended, rivers and harbors in many cases improved, and peace maintained, in a most perilous crisis, on both our northern and north-eastern, as well as south-western frontiers.

I pass by much more, because my great anxiety is to discuss only the leading principles involved in the amendment to the bill, and in the bill itself.

What, then, has led to the necessity for a further loan bill, in any form? For this is virtually the third one asked within the last eight months. The answer to this will, in some degree, explain the propriety of the amendment, and the best mode of effecting whatever loan is necessary.

This bill is wanted, first, for the residue of the twelve million loan authorized in July last, because that loan, to the amount of nearly six millions, had utterly failed, even before this session commenced. But the act of July permitted six per cent. interest to be given, if no lower terms could be obtained; it run for only three years, which time, the chairman of the committee (Mr. Evans) has argued, would now insure better terms in the market than a longer one. It pledged the faith, before unsullied, of the whole Union, for the prompt payment of both its interest and principal. It had for aid, beside, the overwhelming popularity of a new administration; the whole financial talent of its numerous experienced friends; the boasted superior tact which was to be evinced in managing our magnificent resources;—yet, in less than four months, it utterly failed, and the treasury soon after became protested, the national faith violated, and the stock is now selling at the discredited discount of ninety-five in the hundred. This, as the stock is redeemable in two or three years, is a rate of interest near eight per cent., being the only instance before of such depreciation in our credit in time of peace, since the government went fully into operation, except in the deplorable era of the administration of the elder Adams.

Let my friend near me, then (Mr. Archer), when he reflects on these facts, not flatter himself longer that the proposed loan, as the

bill now stands, can be obtained at par. Let not him, or others, dream, in such a prostration of our credit, that the greatness of the nation, its numerous population, its immense wealth, its past glory, will insure success, without further special pledges for security, or additional revenues from lands, or taxation of some kind. No, sir. All the former, and more than these, existed under the bill of July; and yet, — wretched delusion and disappointment! — the loan has not been effected, and our national faith has received the widest, deepest, darkest stain which ever branded it with degradation and dishonor. In short, the government stands before Europe, as well as America, both a bankrupt and defaulter. Let us look at these astounding facts, and at other recent experience in the Union, and not delude ourselves or the country with abstract reasoning about the extent of our resources, with eloquent eulogies on national grandeur, and patriotic hopes of relief from mere empty promises. Hard will it be for these, when already so faithless, to accomplish what our own senses and memory disprove, and what the history of all nations evinces must, in such emergencies in peace, be derived either from increased means or diminished wants, and perhaps, at the same time, from greater skill in managing them, and wiser counsels.

There is another striking illustration on this point, in the other part of the bill.

Why is the additional five million loan, included in that, wanted at all?

Would it be needed now, if you were able to succeed in borrowing money, even at the rate of six per cent.? — a rate high for us in peace, with all our old national debt extinguished. No, sir. If you could have effected that, by all your greatness, power, resources, glory, and popularity combined, it would, up to this time, have been done under the last treasury note bill, or under the former permanent loan bill. Could all these high qualities bring the money, as my whig friend, near me, seems to suppose, then why has it not come? You have had those qualities, and both those bills, since January last; but you have not had the money.

The permanent loan having sunk impotently in your hands, though your favorite measure in contrast with the system of treasury notes, you then took a new tack, and, soon after this session commenced, adopted the odious and denounced issue of treasury notes. As a last resort, rather than recall the lands, you took to your embrace a system which had been before discarded with the most contemptuous scoffs. You hoped it might prosper and keep your credit at par, as well as it had accomplished both of those ends under the preceding administration.

But you refused to sustain it with any additional pledges or revenues, as I then had the honor to propose a pledge similar to this, under a conviction that in a state of discredit like the present, it was judicious, if not indispensable. You relied, as you argue now, only

on great national wealth, great national resources, and your great financial skill.

What has been the mortifying result? In less than three months, even this excellent resource for an emergency, if properly guarded and properly conducted, failed entirely in your hands. The credit of your notes has sunk as low, at times, as three to four per cent. below par; your public interest and public debt in these very notes have remained unpaid and protested; your public faith to contractors and officers broken, and your treasury subject to take the benefit of your new bankrupt system over and over again, if the same forms could be applied to it as to an individual. Yet, after all these loads of financial disgrace, we hear eloquent appeals to run again the round of mere hollow and fallacious promises; we hear exhortations to put another bill into the market for other loans, instead of these discredited ones, with no new revenues pledged or raised to sustain it, and no new policy adopted. And confidence—yes, sir, senatorial confidence—is asked, that it can thus be obtained at par or nearly at par, in despite of all argument, experience and analogy. You could get something for the stock; but can you get what it is creditable to receive, or honest for our constituents to sanction? In this emergency, then, something more must be done, on our part, to obtain such terms as are reasonable and just, and to pluck up drowning honor by the locks, or it is lost forever. Experience proves this. Some of the terms of the bill itself prove it. The state of the country, the treasury and the administration, prove it. What, then, is that something more? Manifestly, to remove the cause or necessity for the whole or a part of the loan, if it be practicable, consistent with public faith and public duty. If it be not, then, in the next place, to increase the security and success of such a loan as is indispensable, so as to obtain it on the best possible terms which are within our power, and are proper under all the unfortunate circumstances of the treasury. The real cause of the loan lies deeper than the mere failure of the last treasury note bill, or of the last loan bill. It is this: The past administration yearly reduced its expenses, for reasons explained on former occasions, but which need not now be repeated, till, in 1840, they were only twenty-two millions and a half of dollars. It sent in estimates, and determined to bring them down, in 1841, to less than twenty millions; and proposed a further deduction, in 1842, to about eighteen millions. Now, the present administration, instead of keeping down the expenses, in 1841, to less than twenty millions, or even as low as the twenty-two and a half of 1840, unfurled at once every sail, crowded every kind of expense, called a costly extra session, made millions of new appropriations, and thus swelled the expenditures for 1841 to more than twenty-five millions. In this way a necessity was caused for more than five millions of the proposed loan. Again: this year the same administration contemplates an expenditure of more than twenty-six millions, being eight

more than what was proposed by the past administration. These together have created a necessity for thirteen millions of loan.

But above and beyond all this, the present administration omitted last year to advertise and sell the public lands in the usual manner after the 4th of March, and thus lessened the receipts from them probably quite two millions. It next gave away, for this year, the whole of the receipts from that source, which, if the lands were advertised as fully as usual, would equal three millions; and thus, as to the lands in both years, created a necessity for a loan of five millions more.

All these united make eighteen millions, or equal to the whole amount embraced in this and the July loan bills, and one million of what is in the treasury note bill of last January.

The whole case, then, lies within the span of your hand. If we could now retrace our steps, and incur no more expense in 1841 and 1842 than was contemplated by the past administration, and advertise and retain the proceeds of the lands, as that administration proposed, we could at once remove any cause for a single dollar of the present loan, and could redeem all of the twelve millions of July last, which has already been borrowed. But I admit that the whole of this is not now in our power. What is past is gone forever, and we must submit to the loss. What is to come, however, is yet under our control. This includes most of the expenses of the present year, as few of the new appropriations have passed, and includes, also, most of the sales of the public lands.

It is, then, manifest that, if the old appropriations are now so postponed, and the new ones so reduced, as to require, in 1842, but eighteen or nineteen millions expenditure, which is practicable without essential injury to the public interest (as shown fully on a former occasion), and if the distribution of the proceeds of the public lands is suspended or repealed, and those ready for the market are seasonably advertised in the accustomed manner, it will make a difference in expense of seven to eight millions, and in receipts of three to four millions; and, thus united, supersede the necessity of any part of the loan included in the present bill, with a view solely to defray our expenses. This is the whole case in a nutshell. But some gentlemen refuse to postpone or retrench so much. Others may refuse to recall the lands for this purpose. And others still, if the retrenchment or repeal of the distribution is intended hereafter, are not yet willing to do either. And others may wish the loan accomplished, in order to redeem and fund at once all the treasury notes out, and answer the present emergency a few weeks, though not needed to cover the current expenses, if they are properly reduced. I say, then, to all such, that if the distribution of the lands is ever to be suspended or repealed, this is the accepted time. If not done by an amendment to this bill, it will come too late for accomplishing all its natural benefits, and will leave your public credit to be blown upon, blasted and sunk, more to

the injury of the States separately, as well as collectively, than the value of all these lands to the end of time.

Why do I say this? Not for declamation, sir, but from a solemn conviction that, if without that suspension or repeal, and without retrenchment, as well as without the previous imposition of a dollar of new tax of any kind or in any way, you go into the market, with the provisions of this bill, to sell the stock at any sacrifice, and for a period of twenty years, your conduct will lead to the loss of more than three millions of dollars on this loan alone. It will also be hung up to reprobation, not only by those who are now to suffer as to the interest from such improvidence, but by a succeeding generation, who are to suffer still more as to the principal, by refunding millions which neither they nor the government ever received. If any usury, extortion, or waste, could justify repudiation, or tempt to it, such conduct has a powerful tendency that way; though, absolutely and sincerely, I abhor everything like repudiation of debt, whether in public or private life. I am a debt-paying man. I belong to a debt-paying race. I represent a debt-paying State; and, thank God, no native or foreigner can obtain its scrip or bonds under par, or even above par,—for not a dollar of them exists, or ever has existed, of a permanent character, under its present form of government.

Let us see how this matter stands, as to the analogies and examples around us at the present moment, when we are forced into the market with a loan bill so exceedingly loose, and dangerous, and unprecedented in its provisions. Some senators seem to forget the change, in the times and character of the country, on the subject of a public debt. It is no longer a matter of theory and conjecture, that the obligation of contracts will never here be impaired, and the debts of individuals,—the sacred loans to them,—never be sponged out by a retrospective bankrupt law, and one, too, made avowedly to release the debtor forever, rather than benefit the creditor. Nor is it any longer a matter of doubt, denial, and abhorrence, that even States themselves, the American States, can ever fail or refuse to pay the sacred loans to them punctually. The borrowers have had plighted faith, public morality, constitutional duty, ability in population and wealth, all consecrated originally to discharge the interest and redeem the principal promptly; and yet has it been done? Have not these borrowers been obliged, in many cases, to sell the evidence of these loans sometimes for eighteen cents on the dollar, and in others for thirty and sixty cents only, on some of the largest States in the Union? And yet, are we so purblind and inconsiderate as not to see the inevitable consequence of all this? If not, can we suppose that these same capitalists and brokers, whether here or abroad, who have just been so sadly plundered, will rush forward and lend more to us, at a much less sacrifice or depreciation, on the same plighted faith only,—on the same public morality, population, wealth, and duty only? The borrowers have nothing more to rely on yet,—the firm is no richer than all the

separate partners. The ability of the whole, in their mere population and resources, is no more certain, to the extent of this loan, than that of many of the separate indebted States. But in these times it has turned out, as has been predicted in all former times, and realized in many instances, that promises with actual collateral security of lands and taxes, or other revenue sufficient to meet loans and current expenses, are infinitely better and quicker in the market than promises without such security. This is the case with individuals; and most emphatically is it so with governments, with States, and confederacies. Hence, those States that have actually imposed taxes, or possess other resources equal to the payment of their current expenses and interest on their loans, are not discredited at all, or but slightly; while others, without such existing income, or any other collateral pledge, are protested, and their bonds scorned. Even while this debate is going on, the bonds of the great State of Pennsylvania, before sunk below fifty cents on a dollar (because without any adequate pledge to redeem them), have fallen, in a single day, five dollars more on the hundred, in consequence of her legislature having just adjourned for two months, without raising a sufficient revenue to discharge her current expenses and interest.

But why dwell longer on analogies? Where are our own bonds or scrip, issued in July last? Where are our own treasury notes, issued since January last? Depeciated, hawked about at a discount, protested, and refused for payment by every public claimant who has any prospect of obtaining anything better. In this deplorable condition, we are urged to pass this bill speedily to remedy the evil; and yet, are sending this new scrip into the market, without raising first a dollar more of revenue in any shape, of tariff or taxes, to meet the interest of our expenses; without taking back the proceeds of the lands to assist in this essential duty; without material retrenchment of any kind; with seventeen millions of permanent debt thus authorized, and the certainty of five or six more before we adjourn, if the present policy is persisted in; and, in fine, with an increase now accruing, lagging far behind our burdens, and not equal to our contemplated expense into about ten millions a year.

Look, a moment, at this last attraction to confidence. See how it has turned out with States conducting in a similar infatuated manner. See how it has turned out with ourselves thus far,—giving away great revenues when we are obliged to borrow, increasing greatly our expenses when we ought to reduce them, and asking more confidence and more loans after we have already failed, and without raising or pledging a dollar that did not exist when the failure occurred.

It is true that this bill does what the bill of last July did not, by making a pledge of the customs generally to meet this loan, and thus recognizing the utility of some kind of pledges. But the misfortune in this is, it pledges nothing new, nothing additional, nothing which did not exist, and would not exist, to be applied to the debt, perhaps

as faithfully without the pledge as with it, though not with a like assurance and certainty as regards the creditor. But the pledge of the lands, contained in this amendment, would, on the contrary, be three to four millions a year of *new* means, new revenue, new ability: means, too, in our own possession and control, and not contingent or uncertain like a loan; means, also, voluntary, and not extorted by taxes, and hence doubtful, and often delayed; means coming in weekly and monthly, as wanted, and where wanted; means which we have always used, from the foundation of the government, and the parting with which last summer, under all the circumstances of the case, has been one of the most fatal stabs to our credit, our financial character, and national honor, which it was in human power to inflict.

Gentlemen have misapprehended the whole scope of this amendment, and the advantages to this loan in a repeal of the distribution, by regarding it as a mere question of pledging or not pledging to a creditor, in a collateral form, what you already possess, and are bound, in good faith, if able, to apply to his payment, without a specific pledge.

In the vacillation and uncertainty of legislation, and the distresses of the times, as well as in the constant occurrence of deficiency in means, it would clearly be useful to any particular creditor to have a priority or preference in the revenue, or some important branch of it, doing much service in case of a deficit; and the only mode of effecting this is by giving him a previous specific, tangible, collateral pledge of a part of it, as is proposed in this amendment.

But it would be infinitely more useful, in other views connected with this loan, to repeal the distribution, not merely to use it as a pledge, but so as to add three or four millions more to our certain and permanent income,—so as to reduce the necessity of so large a loan, no less than the difficulty and sacrifices in effecting it, and so as to increase our ability, and, of course, our credit, to a like extent, to meet all our public engagements, whether of debts or otherwise.

Let us look, a moment, at these objects separately.

1. With those considering an actual pledge either conducive to success or success on better terms, the lands present a large and valuable auxiliary.

The House of Representatives have, by this bill, shown their confidence in a pledge, by including the customs. If they (the customs) are useful, so would be the lands. If they will help to reduce the interest on the discount, so will the lands. The President, also, has recommended a suspension or repeal, evidently to aid the loan by a pledge, as well as for other purposes. Our past history is also full of evidence that a pledge of these very lands has been deemed useful in securing loans. They were pledged in the very first funding and loan bill under the constitution, as has been often stated before at this session. But, more than this, they remained pledged till the Revolutionary debt was extinguished, as late as 1835. This is the reason

why the pledge of them was not repeated during the late war, while old taxes, new taxes, and the sinking fund, were all pledged over and over again. The lands had been already consecrated to pay a part of the price of our liberties. But we, like Americans and honest men, gave everything else as security for our public faith, in the second great struggle with our ancient oppressors; and nobly have we redeemed those promises. The security was not confined, as the chairman supposed (Mr. EVANS), to a stipulation to raise more taxes, but it was extended to the whole sinking fund of eight millions, and new taxes raised, direct and internal. The whole were dedicated to this sacred object. They went so far as to engage not even after peace to repeal the latter, unless substituting something else as valuable. (Sect. 5, of act of Dec. 23, 1814.)

Such a course as this pursued in 1789 and 1814, instead of being degrading, derogatory or humiliating, was, on the contrary, honest, truthful, manly, honorable for a debtor, — American in duty, and Anglo-Saxon in feeling. Remember that we are asking favors, not conferring them; dependent on our creditors for money and indulgence, far should it be from us to ill-treat, or trifle with, or leave them insecure. England always pledged new taxes for her loans, till, as gentlemen have explained, they could, from the size of her debt, be of no avail. Such a pledge secured the very debt on which the Bank of England itself rested in its origin. And when governments are discredited in the stock-market, and become beggars for loans, they must not assume a lofty port, and be choosers of their terms, but give usual security and usual certainty, if expecting success within any reasonable sacrifice. To be sure, we are not torn by internal dissensions so much as Spain, notwithstanding what is occurring in one of the States (Rhode Island) in a struggle for popular rights; yet we are in a condition of great pecuniary discredit, and must expect to be asked for ample security. Spain has had to place the Rothschilds in the receipt of the income of her quicksilver mines, for their security. Even the revenues of Cuba have been talked of as a pledge, placed under the control of some third power, for the safety of still further loans. And is it unworthy for us to pledge our own lands, won by the valor of our forefathers, and pledged by their honesty and fidelity to their obligations, and which, parted with, instead of pledged, during the last half-year, have been a fruitful source of all our present pecuniary woes? Such a pledge has likewise been most strenuously advocated by the great founder of American finance; and, in his second report on public credit, in 1795, he enforced it as always judicious, by reasons the most irresistible. Are we wiser, in these matters, than Hamilton? Is it disreputable for us to do, in matters like these, what such men as he, and Madison, and Washington, approved? Is it degradation to follow in their footsteps, or to seek to secure well and pay promptly all that we owe? There is a lurking conviction in the bill, as it comes to us, that a pledge is useful, — or why are the customs pledged? There is

such a conviction with the executive also, or why has he recommended the suspension of the distribution to aid the loan?

Is the Senate alone to disavow, repudiate and disparage, such opinions? And are we alone to regard it as dishonor to take a usual and effectual step to prevent dishonor? But it may be believed by some, here and elsewhere, that though a suspension or repeal of the distribution is proper in this emergency, yet it is not required to be made in this bill, in the form of a pledge of the proceeds, but may be made in a separate bill, after this passes, or in a bill raising the tariff above twenty per cent. Such, I understand, is the view of my friend from Virginia (Mr. ARCHER). Now, sir, let me conjure such gentlemen to reflect whether a suspension or repeal, in the present form and at the present moment, would not have a double advantage; as it would not only render the loan more secure, and hence obtainable on better terms, but it would, if done now, show at once to the monied world that we would not be obliged to borrow so much by three or four millions. In that view, we should certainly be more likely to procure what we wanted, and at lower terms; as it would be seen by all that our necessities had become less, and our means greater.

But, if the suspension does not take place in this bill, or before it is flung upon the world, the suspension is not certain, and can have no influence whatever in procuring this loan. If it is, therefore, ever to be suspended or repealed,—whether formally pledged or not,—this is infinitely the better time.

2. Again: whether pledged or not, the suspension now will convince the world that we actually possess, and not merely *hope* to raise, three or four millions more, to aid in paying the interest and principal of this loan, with our other large expenses. That alone, independent of the pledge, is a most conclusive argument in favor of doing it now, before the loan is thrust into the market.

In this view, the pledge of the customs, already in the bill, is without value. It is nothing of revenue, or ability, or means, which is new and additional, like the land recalled. It is merely transferring from one box or column the same sum to another box or column, but adds not a dollar to our ability. It is only a new promise to strengthen an old one; or paying an old broken promise by an empty new one of similar character.

All know, and feel, and admit, that we have failed to get the money, without the possession of the land revenue. Why, then, will not all now restore it, in order to see whether we may not be able, as we formerly were, to obtain loans readily, not only for six per cent., but five and four and a half, and that for short terms, instead of the long and losing one of twenty years. The probable revenue from these lands would alone pay six per cent. interest on a loan of fifty millions of dollars, and would extinguish, in four or five years, the whole principal, as well as interest, of this proposed loan.

If, as the senator near me (Mr. ARCHER) asserted, the *treasury is*

now arid as a sand-bank, by the sirocco misrule of the past administration, — if he really believe this, when we left it in high credit, its notes at par, and all its debts punctually paid, — why was it made more bare by the acts of this administration last summer, giving away three millions of our former revenue, and increasing expenses four or five millions a year? And when the nakedness is now disclosed to every eye, — however shameful and however produced, — why will he not join with us in restoring what the treasury has been stripped of? And why will he not do it now, forthwith, when most needed, and when its possession will save millions to the country in credit and capital? I appeal to his patriotism and judgment, as well as his common sense, about this, against his preconceived opinions or sudden impulses.

3. This view of the subject goes far deeper, wider, higher, than the question of mere collateral security. It involves an addition or increase of one-fifth to our whole present revenue. It is, in part, accomplished forthwith.

It so far relieves the banks from danger of suspension, by having their deposites withdrawn so largely by capitalists taking the loan.

It leaves more money to be loaned to merchants and others, as well as exempts them more from forced collections by banks and capitalists to procure money to invest in the loan. It also injures less the present stockholders, and less defeats all the hopes of other borrowers.

Once more: it does not depend, like other resources, on future legislation or future imports, or the chances of trade and consumption. It has not the delay and uncertainty even of a loan, which will require, if abroad, at least three months; but it is tangible, specific, present, accessible. Some of the money is now in hand, the rest coming in daily, as wanted and where wanted. It does not increase the burdens or distresses of the people, as future taxes instead of it may, but is paid voluntarily, and for substance in return. All this, and much more of weight, goes out to the community with this very bill, and has an electrical effect in inspiring confidence in your increased ability, as well as increased prudence. People see and feel that you are resorting to a natural source of relief, and not a harsh, oppressing and doubtful one, in imposing still greater taxes on those now so broken down. It is an immemorial and accustomed source of supply in all our history, — an inexhaustible and rich one, if not squandered, and one which has helped, and always should help, to defray the great expenses which have alone rendered the lands valuable, such as the war for our independence, the Indian wars since and hereafter, the extinguishment of Indian titles, all our Indian annuities, and the whole system of civil government which insures sales, safety, cultivation, wealth, liberty and happiness, in connection with the national domain.

Nor is the repeal contemplated in this amendment proposed merely to aid in discharging interest, leaving the residue of the proceeds of the public lands to lie idle or be wasted, as the senator from Ken-

tucky (Mr. CRITTENDEN) seemed to suppose. It is expressly applied to redeem the principal, as well as interest; and the act to which this is an addition provides expressly that the Secretary of the Treasury, whenever having funds, shall purchase in the stock itself. Such is virtually the resolution offered the other day, by the senator from Virginia (Mr. RIVES), and such is the substance of the President's recent message, recommending a suspension.

In respect to that message, I do not hesitate to speak with frankness, though in praise of a political opponent. Considering that the chief magistrate so recently signed the distribution bill, and with what favor it is regarded by most of his party, and with what death-like tenacity it is adhered to, I consider his recommendation to suspend its operation during the present emergency as evincing much good sense, elevated devotion to duty over party feeling, and no little degree of magnanimity. I am no partisan nor eulogist of those in power; but I can appreciate fully the obstacles to such a lofty course, and can do justice to this particular act, even in an opponent, however much I regret and disapprove many other measures of his administration.

Nor can I forbear to add, in favor of this recommendation and of the amendment now under consideration, that they seem to me in strict accordance with the original idea of a distribution of the proceeds of the public lands.

The author of the project (Mr. CLAY) expressly and repeatedly repudiated the idea of any distribution except of a surplus. But now, whatever may have been expected last summer, no surplus is pretended to exist, or is likely to exist. He also disclaimed, and has reprobated at this very session, the idea of a distribution of any money raised by taxes.

Yet it is demonstrable that, to the full extent of this distribution, and, most think, to a much greater extent, taxes must be imposed, if it takes place; and what difference does it make to the community whether the taxes are imposed for the purpose of distribution, or as the inevitable consequence of distribution? The author of it also voted, at the last session, for a distribution which was to be suspended the moment duties were imposed above twenty per cent. He thus virtually stipulated, as far as he or the law could, that the distribution should then stop. The bill, it is well known, could not have passed without such a stipulation. What, then, becomes of the propriety, courtesy, duty, of seeking now to violate that stipulation? And if it is not to be violated, and the duties are to be raised above twenty per cent., as our opponents insist, then does it not comport with the spirit, as well as the letter, of the distribution act, to suspend it; and if to suspend it soon, then to do it at once, rather than some months hence? Now it will accomplish two great objects, rather than one, as it will aid greatly in effecting a favorable loan, which it could not do unless now. In other words, the original gift of the lands was, by its express terms, to revert on contingencies which have substantially happened.

The amendment is, then, substantially abiding by the original principles of the distribution, as well as the act itself, instead of being a wanton violation of them. It is also pursuing a really stable, rather than fickle policy. It is truthful, honest, safe, prudent, profitable; and, in every view, to my mind, deserving the support of even those who voted for the act of distribution itself, on any fixed principles similar to those avowed by its author.

But there is another question connected with the repeal proposed in this amendment, about which I offered some views to the Senate on a former occasion, and which the senator from Virginia, opposite (Mr. RIVES), has urged in this debate. It is of a very grave character, and involves an alternative no less momentous than this repeal of the distribution, or a probable necessity to resort to direct taxes. Your plan is to raise at least twenty-six millions a year by the tariff. If you recall the lands, you need not raise but twenty-three; and if you retrench properly beside, you need not raise twenty millions by a tariff. These last you might get; but how are these twenty-six millions to be obtained from a tariff in times like the present? — times embarrassed beyond precedent; no State loans abroad to come home in goods; no credit, but cash payments, and those in specie, or its equivalent, instead of depreciated paper; and a new bankrupt bill in force, for debtors rather than creditors, and thus breaking up all trust from abroad to the importer, as well as from the importer to the retailer, and from the retailer to the farmer, mechanic, and laborer. Who will be so greedy to obtain hereafter mere promises, hollow promises to pay for merchandise, which may all at any moment be sponged out, and the destructive process repeated a hundred times, if necessary, through all classes of the community?

Let us examine this a little in detail. The chairman expects now to obtain from duties under the present laws, accruing in 1842, only about thirteen millions of dollars. By what magic is the other thirteen to be procured from the same source?

The senator from Rhode Island has a very summary mode of accomplishing it, by putting twenty per cent. on the average amount of free goods for several years back, before the present tariff law passed, and including among them three years of the highest importation in our history. This is a little too sweeping and loose for a body like this, and for critical times like these. Why, sir, though that average was, from various causes, swollen to near seventy-one millions, yet the actual amount of free goods, in 1840, was only fifty-seven millions, instead of seventy-one; and, in 1841, only about fifty-four millions of free goods imported and retained in the country. But this is not all. By the present tariff, near eighteen millions of free articles besides tea and coffee, and about thirty millions with them, are still left free. Put, then, twenty per cent. on the balance of twenty-four and twenty-seven millions, and you would obtain a net additional revenue of little over one-fourth what is needed. If you place twenty per cent. on tea and

coffee also, and leave scarcely anything free except specie and articles to aid in our manufactures, even then not half enough will be procured.

Adopt another form of calculation. The imports not reëxported in 1840 were about ninety-five millions, and in 1841 near one hundred and nine millions. Now, subtract from these only the thirty millions at present free, and twenty per cent. on the balance of sixty-five or seventy-nine millions would yield a gross revenue of only about thirteen to fifteen millions, and a net one of at least a million and a half less. Tax tea and coffee at a like rate, reducing the free list to eighteen millions, and still the net revenue on such an amount of imports, at twenty per cent., will be but fourteen and a half to sixteen and a half millions, instead of twenty-six millions.

The Senate, however, know full well that a tax of twenty per cent. on articles before free will diminish the amount of them which can be purchased and consumed; and hence that these imports would, with only that tax, have been smaller in both 1840 and 1841. What, then, are they likely to be in 1842, with a tax of twenty per cent. on all before free, except eighteen millions? and, besides this, with cash duties, a bankrupt system, no State loans coming home, and an indebted, embarrassed, and otherwise highly taxed community. It is palpable that you could get ten millions more by a tariff only on the hypothesis that, under all these untoward circumstances, and with the tariff more than doubled, we should import lawfully, and consume quite as much as needed in 1840, with half of the whole entirely free, a credit system of three to six months, without interest, no bankrupt bill, some State loans returning in goods, and a country less embarrassed.

How irrational! If tea and coffee were included, rather than take back the lands, the tariff need not, on that hypothesis, be increased quite so much. But still it must go as high as thirty-six or thirty-seven per cent., to procure a net revenue of twenty-six millions; and the whole imports must also continue to be as large. But, in such an event, the regular imports, instead of keeping up to what they were in 1840, would, under circumstances so very different, be supplied, in many cases, by smuggling, and a great diminution would also happen in the whole consumption of foreign merchandise, however obtained; so that you probably could not realize twenty-two millions, instead of twenty-six. You would get protection, I grant. You would, in many cases, obtain entire prohibition. That would suit the senator on my right (Mr. SIMMONS), and his manufactures. But will it give you revenue,— enough revenue,— twenty-six millions of revenue? That is the question. Why, sir, that senator and his friends desire this very state of things in order to diminish imports, and, consequently, revenue is diminished too. If a higher tariff did not diminish imports, but leave them as they are, or allow them to augment, let me ask what use would the increase of duty be to the manufacturers?

Away, then, with the fanciful, impracticable idea that you can obtain revenue enough by a tariff to equal your wants of twenty-six

millions, without adopting this amendment, recalling the lands, or without resorting to direct taxes and excise!

It may be imagined by some that, after a year or two, if not now, the imports may again increase sufficiently, as the exports in general increase gradually when left untrammelled.

This would be the case, were it not for the entire revolution in commerce that will be effected by cash duties and the bankrupt system, as well as the permanent and increasing check on imports imposed by the increase of domestic manufactures under so high a tariff. But those circumstances, when all combined, will make our imports not only low, but the quantity consumed in the country continue stationary, if not retrograde.

[Mr. Archer here observed that this might be deemed an advantage.]

Yes, sir, an advantage to the manufacturers; high and effectual protection enough to them; but not to the consumer, who is obliged to pay more for his necessaries. The only question here, however, is, whether it will cause a higher revenue from customs. Seldom has our consumption increased in any degree corresponding with our population. This would be not a little remarkable, if our population had not spread westward in agriculture, and had not, in the Eastern and Middle States, become more devoted to manufactures. Hence the consumption of foreign goods, instead of increasing in a ratio with population, has been almost stationary, over several great periods of our history. The tables are before me, reported to Congress by the treasury department in December, 1839, giving our yearly consumption of foreign articles since 1789. The result is, that, though we consumed in 1820 about fifty-six and a half millions, and in 1790 only twenty-two and a half,—doubling in thirty years, as few manufactures existed then,—yet, in every subsequent period of ten years, the increase in consumption has been trifling. In 1800 the amount consumed was about fifty-two millions, and in 1830 only fifty-six, or an addition of but four millions in thirty years. Again, in 1810 the consumption was sixty-one millions, and in 1840 but eighty-nine, or less than fifty per cent. even under imports forced on us unnaturally, by large State loans. In that period, however, our population had augmented over one hundred per cent. It is evident that consumption must fall off again much from 1840, by means of a high tariff, cash duties, and pecuniary embarrassments. So that even the chairman of the Committee on Finance last December computed our whole imports, the ensuing six years, as likely to be, on an average, not over one hundred and sixteen millions.

A few days ago I understood him to consider his former estimate too high, as it undoubtedly is. But, taking that, and deducting eighteen millions reëxported, and we have ninety-eight millions left for consumption. This is too high, probably, by thirty per cent. Yet, taking from even that the present free list of thirty millions, and the balance of sixty-eight millions, at a duty of twenty per cent., would

yield only thirteen millions and a fraction. This would leave so much more to be raised as to require forty per cent. duties on a like large import to produce only the gross amount equal to the net revenue anticipated. But, with any per cent. whatever,— even taxing tea and coffee,— it is extremely doubtful whether the expectation can be realized of obtaining twenty-six millions of net revenue from customs alone. Why, sir, what has our whole history, recorded facts, and not mere speculation or theorizing, shown on this point? Never, under the high tariffs of 1824 and 1828, have we received in net revenue from customs as much as twenty-six millions, except in two years, when such large amounts were coming home in foreign goods for State loans, and swelling the amount, artificially, so much beyond all expectation and all precedent. Then, also, the free articles were but little more than half in value what they are now, without tea and coffee.

On no other occasion in our entire existence as a nation have the customs yielded so much, except in the two peculiar years at the close of the late war, when the duties were doubled, and large imports were compelled, in order to supply the privations of a three years' war.

Is it not, then, a miserable delusion, with a good supply on hand of foreign merchandise, and the whole credit system itself, as well as its inflations, private and State, exploded, to expect now that under even double the present rate of duties we can realize twenty-six millions net income from customs?

Do gentlemen forget, likewise, that nothing is so delusive as to rely on averages since 1834,— averages in a period of unparalleled expansions of all kinds, and excesses that never can be repeated while the severe pain and losses sustained by them are fresh in recollection?

Why, sir, as explained more fully in the annual report on the finances, in December, 1839, we imported, in a few of those years of over-action, not only an amount equal to our exports and a fair profit on them, but one equal to those and most of the loans procured abroad in the same period. I think the excess was near a hundred and thirty millions. Rather than expect or wish a repetition of this extravagance, we may well pray God to avert it, if there were the smallest likelihood of its occurrence. No, it is impossible. What follows? Simply that, persisting in your other resolutions, you, who gave away the lands to relieve the States from direct taxes, will be forced to resort to direct taxes yourselves, in order to supply the deficiency. What admirable wisdom and gain to the community!

The pilot at the helm of State says, then, as to the lands, manfully, bravely, skilfully, on this occasion at least, Take them back. Public sentiment reëchoes, Take them back. Reason and sound policy equally enjoin the same. But the senator from Rhode Island (Mr. SIMMONS), as he gets three millions more protection to manufactures if the lands are not taken back, laments the evil this course will cause to the States, our partners in the firm of the General Government, our brethren or sisters in the same family of the Union.

What, sir! an evil to require them to return what they cannot retain without paying for it, in a larger tariff, the same sum, with costs of collection, transfer, and distribution, &c., added, equalling, probably, twenty-five to fifty per cent.! To require them to release this Indian gift,— this burden of twenty-five or fifty dollars more in every hundred for all they get! But, besides this, who in the States are relieved from direct taxes most, and who are burdened most, by substituting for them the tariff? It is property — the wealthy — that are attempted to be exonerated from direct taxes, in order to throw additional burdens on consumption, or the middling and poorer classes, who pay per head nearly as much, under a tariff, as the most wealthy.

Such is your boasted relief proposed by the distribution! But if you cannot obtain enough by a tariff, and must yourselves resort to direct taxation, will senators inform me whether then even the wealthy, or property, are relieved, by paying, under our direct taxes, twenty-five or fifty per cent. more, for double collection, commissions, &c., than they would be, in the first instance, under the State system of direct taxes?

From these considerations, it must ere this have occurred to the whole Senate that there is involved in the success of this amendment a deep question of character. This is, in truth, a question nearly as important, if not more so, to our success in the loan, as an increase of revenue to the extent of three millions. Because, by taking back the lands instantly, and before the loan is attempted, whether we pledge them or not, we exhibit to the public a returning sense of right to the interests of the General Government,— a returning foresight in finance, — a returning prudence and precaution in danger,— a disposition to rise above mere party measures, and the wisdom to look to facts and arguments, and the spirit of measures rather than to bald forms.

We shall evince efforts — real efforts, practical efforts — to succeed without making unnecessary sacrifices; efforts adapted to obtain better terms and redeem our promises, as well as make them; and efforts, like those of individuals asking indulgences, directed prudently to secure, no less than indemnify, in the end, those who are so obliging as to grant those indulgences. Such a course must improve our character as to monied matters, and inspire confidence; while the opposite course will shake confidence. Such a system of conduct, in private life, wins trust and better terms in borrowing; while its opposite, even with more means in prospective, disappoints and disgusts, saps faith, alienates regard, and prevents success.

Why should we, in this business, slight the experience and axioms of all people, as well as all governments? Are we alone likely to succeed on a set of principles and under a series of measures which, everywhere else, and in all recorded time, have led both individuals and nations to pecuniary disgrace and bankruptcy? Is it left to this age, and this administration, alone to be wiser than all antiquity or modern times, and outstrip all the Neckers and Hamiltons of the past? Con-

siderations like these bear strongly on the question of character; and character, quite as much as property, is necessary to insure success in borrowing.

Who ever before heard of an individual, or government, when out of money and embarrassed, giving away a sum equal to one-fifth of all the permanent income anticipated? Or, when out of money and embarrassed, not only do that, but at the same time increase expenses nearly one-fourth?

Most clearly, such conduct cannot but have a disastrous influence on any loan attempted; while, to change this conduct to the reverse, would as clearly operate very favorably on such a loan. Again: who ever before heard of an individual, or government, out of money and embarrassed, and thus, also, out of credit, refusing either to give security for loans when in its power, or to increase its revenue when in its power, by an easy addition to it of three or four millions?

Thus out of money and out of credit, how absurd is it to anticipate more credit while remaining in the same condition and with the same character,—to expect success in a loan without either new security or new means, but merely to repeat the eternal round of every spendthrift and bankrupt, by offering new promises for others already broken, and new and greater sacrifices, discounts, and usury, to repair old breaches of contract? This course is also characterized by a changeableness and indecision of character equally fatal to any prospect of success in borrowing.

By taking back the lands now, under all these circumstances, we abide by the spirit of the distribution; while, by a refusal to do it, we are unstable and vacillating. Once, likewise, they were to be given away only when a surplus existed in the treasury; now, when none exists. Once, they were to be taken back, if the duties must be raised above twenty per cent.; now, they are not to be. Once, they were to be held to pay the debts of the Union; now, they are not to be. Once, they were to be recalled, if war occurred; now, they are not to be, though forced into numerous preparations and increased expenditures for war, which, in point of principle, is equivalent, in this respect, to war itself, and though the disastrous Florida war still continues, which the friends of the present administration promised to finish in a single month. Look at a few other arguments used, and changes proposed in financial matters, as bearing on the fiscal consistency and firmness of character in those who are to seek by this loan the confidence of capitalists and the community.

Thus, the friends of the administration generally in this body argue against the utility of any pledge whatever to secure this loan; while the House of Representatives, by the votes of almost all their friends there, have inserted in the bill a pledge of the duties, and nobody among them here moves to strike it out. The same friends here, and especially the chairman of the Committee on Finance (Mr. EVANS), argue that a short loan can be obtained on better terms, or will be

higher in value in the market, than a long loan; and yet he insists on keeping in the bill a power to make the longest loan ever authorized in this country in a period of peace.

Next, their Secretary of the Treasury, in 1841, asked for only twelve years; now, the same officer asks for a long loan, and twenty years is given. Last year, the majority in Congress thought three years long enough; now, the same majority insists that twenty is not too long. Last year, Congress expressly prohibited any sale of the loan below par, as has always been done in peace, except in 1798; now, it is proposed expressly to permit it, and to any extent, and without any limitation. But one brief month since, the Senate likewise resolved, almost unanimously, that the expenses of the year ought to be met by means raised within the year; and the author of the resolution (Mr. CLAY) urged its early passage, as one measure calculated to restore public confidence and improve our credit; now, in the teeth of all that, we gravely propose to postpone the payment of at least ten millions of the expenses of the present year, not only beyond the present year, but for twenty years, and to burden with them the next generation, or our children and our children's children.

Again: the loan bill is hurried, because it is said the money is needed now,— has been needed for months; — and yet, we propose to make a bill in such a form as is not expected to succeed in this country, but to go abroad, and require at least three months to make full inquiries and receive returns. In other words, we refuse to adopt the amendment, and take back the proceeds of the public lands at once, when at once wanted, when constantly coming in, and which are the best security to obtain more, and which would themselves yield much more, but for culpable neglect in advertising them; and we substitute, in this emergency, a means of procuring the money not likely to succeed at all, except at ruinous discount, and then after a quarter of a year's delay. Recollect, also, that these things are not done in a corner, or under a bushel, but on the house-top. The whole country, as well as capitalists, witness, and scrutinize, and weigh, the kind of character evinced by such a course of proceeding.

It is known, on both sides of the Atlantic, that never before, in peace, have we authorized such a sale of stocks at a depreciation, except in the administration of the elder Adams; that never before, in peace, have we attempted to shuffle off the current expenses by a loan till the next generation. That never before, in peace, have we been subjected to pay more than six per cent., and seldom so much, except under the unfortunate extravagances of 1798. They all see and understand that in this way a permanent and large national debt is to be established, without war, and our farms virtually mortgaged to secure it forever, and often to foreigners. The borrower is thus made servant to the lender, and no escape from the usury, extortion, or immense loss involved in such a loan, but in utter bankruptcy or repudiation. The last is deprecated and dreaded; yet tempted in

those who will hereafter be requested to pay large sums of discount, not a dollar of which, either under them or their fathers, ever went into the public treasury.

There is much in this to make us pause, and especially to make lenders pause. The history of this novel and derogatory proposition, both as to the length of time and the sacrifice of our stock for anything it may chance to bring, is not a little curious. Twenty years were not dreamed of, last July, by Mr. Ewing or anybody else. He recommended only twelve years, and Congress sanctioned but three. At the commencement of this session, Mr. Forward recommended, in his annual report, a longer time than three; but he does not hint at even twelve years,— much less twenty; and the latter time must have been adopted, I fear, from some wretched precedent of State or city borrowing in the late ruinous speculations, and which have sunk the credit of several of them down, first to freezing-point, and then to zero.

As to the other project, of selling the stock for what it will bring, it was not tolerated at all by Mr. Ewing,— not even hinted at by Mr. Forward in his annual report,— is expressly prohibited in all our other loan bills in peace, except the reprobated one of 1798; and it is also forbidden in most of the States, however desperate in other respects about their credit. Whoever is the author of so derogatory a proposition, its first appearance, to my eye, was from New York, and probably the purlieus of Wall-street, in the printed letter in my hand, dated March 8, 1842. In that, among other matters, it is observed, "The loan bill *must* be passed, and the stock sold to the *highest bidder*." Since that, we hear constantly, morning, noon, and night, the only specific or panacea among the wise financiers in both Houses, "The loan bill *must* be passed, and the stock sold to the *highest bidder*." This last thriftless and destructive shift, to sell the stock "to the *highest bidder*," and that for twenty years, seems to be the very alpha and omega of the wisdom now connected with our finances. Sir, only three days after the date of that dictatorial letter, the present Secretary of the Treasury himself writes to the chairman of the Committee of Ways and Means in the other House, requesting "a provision in the loan bill by which the stock can be sold for whatever it will bring."

This is the wretched finale of all that skill, economy, and prosperity, with which a new administration was to relieve all the distresses of the community at large, and especially conduct the finances of the country on most accurate, saving, and wonderfully improved plans, compared with what preceded it. Our opponents took the treasury in successful operation on the 4th of March, 1841,— every demand paid punctually, public credit never higher or quicker, its stocks and notes at or above par, no debt beyond five and a half millions, temporary, and the power to issue five millions more of treasury notes, if necessary, besides nearly a million of dollars in money on hand. Yet, in a single year, during profound peace, all our fiscal operations have

become stagnated and embarrassed,—debts protested for non-payment; creditors and contractors, at times, without either money or even depreciated treasury notes; public credit destroyed, and our stocks driven from the market; a debt contemplated, permanent or temporary, which, by the close of 1842, must equal at least twenty-four millions; revenue falling off, expenses increasing, and no effectual remedy able to be devised by this administration, but to follow the Wall-street command; and after one loan bill last July in a permanent form, and another last January in the shape of treasury notes, to introduce a third one within eight months, and cry out to all, "The loan bill *must be* passed, and the stock sold to the *highest bidder*."

We seem, as yet, hardly aware of the discredit we ourselves, by refusing to amend this bill in any important respect, throw on our own loan. We brand on its front ignominy and depreciation. We invite shaving of the deepest cut, by refusing to adopt the only amendments which can avert it, first to take back the lands, and then shorten the period of the loan, and prohibit any sale under par. After adopting those in succession, we might then, to avoid all risk of failure, authorize giving seven or eight per cent. interest, if found to be necessary, though it would be much less likely to be required. Then the payment of even that interest for only four or five years would not be equal to one-tenth of the loss on a loan for twenty years, though at a smaller rate of interest. If we cannot retrieve our credit in four or five years, so as to borrow money at par, or pay it off, our affairs must continue to be sadly conducted. If we do not mean to pay off the current expenses in peace by the end of five years more, the stewardship over the public affairs should at once be changed. Look at an illustration on this point, in figures.

If we take back the lands, and pledge them as proposed in this amendment, and then shorten the term of the loan to five years, and, prohibiting a sale below par, are obliged to give eight per cent. interest for the eleven millions of money, then the whole principal goes into the treasury, without deduction, posterity is not burdened nor tempted into wrong, and we have to pay in interest, discount and principal, only $14,000,000. But if we refuse such amendments, and are obliged to make a discount on the loan, so as to yield eight per cent. for twenty years,—which is what our present six per cent. stock is selling at,—the discount must be so exorbitant that we will get not over eighty-four dollars for every hundred. That loss, with the six per cent. interest paid on the whole one hundred for twenty years, will compel us to pay more than four times as much for the money we get as we should in the other case.

If we sold this stock at a loss of only ten dollars in one hundred, or for ninety,—which is about seven per cent., and is low as can be expected at this moment,—we lose, at once, over a million of dollars in principal, and we pay an interest for twenty years on one-tenth of the

whole principal, which we never get, and that would, if put at compound interest, equal two millions more in the twenty years. Thus, quite three millions will be sacrificed of interest and principal, or a sum equal to more than one-fourth of the whole loan authorized.

Let me remind the Senate that we go into the market not only with this exposure to ruinous loss, but with an actual debt contemplated some millions higher than what this bill will fund.

It is manifest, on a little scrutiny, that, following out the policy proposed on the other side, the real debt, at the end of this year, will be near twenty-three millions, instead of only seventeen, as some suppose, or only twenty-one millions, as others suppose. So that the public and monied men will perceive that even this loan, if the treasury notes are all funded, as gentlemen on the other side profess to intend, is forthwith or soon to be followed by another permanent loan, nearly half as large as this; because the Secretary of the Treasury makes the deficiency in his report, at the commencement of the year, likely to be, by its close, near fourteen millions and a quarter. He needed at least a million and a half more on hand in the treasury, to facilitate disbursements and transfers. Since that, he is convinced, as the chairman is (Mr. EVANS), that the customs will yield about three millions less in 1842 than he supposed. Supply that, and the amount to be left on hand, with the deficiency, and they equal near eighteen millions and three-fourths. Quite a million more will probably be lost in this loan by deduction at the start, and must otherwise be made up. So that this, and the old loan of six millions, will, with the eighteen and three-fourths millions, constitute an aggregate of near twenty-five millions of debt. Whatever reduction is made in expenses below the Secretary's estimate will lessen this, and whatever is added by Congress will increase it. In order to carry your policy into effect, of funding all the treasury notes, as well as meeting these changes, another permanent loan may be needed of eight or nine millions. If you do not redeem the treasury notes, but can and do keep them out, by paying six per cent. interest on them, you may make the whole debt, if you please, near twenty-seven millions, because the old and new permanent debt will be seventeen, and the old and new treasury notes out will constitute near ten millions more. This prospect is most disheartening. But to keen-eyed and sagacious capitalists it will look still worse than this, if your course be not altered; because, beside another seven million loan in 1842, in addition to this, under a form either permanent or as treasury notes, they look at the ensuing years. Then, as things now stand, not much more can be raised at present by a tariff; and your expenditures bid fair to exceed your receipts annually at least ten millions, unless you take back the lands, retrench greatly, or resort to direct taxes. Nobody believes that you dare attempt the latter, or to impose internal duties. And hence, if you will not repeal the distribution bill, or reduce much more the expenses, utter insolvency and national repudiation glare at us all in the face. But how

would the scene be changed, by adopting a different policy, even at this late day, and after the losses of 1841 of receipts from lands by not advertising, and the waste by adding then five or six millions to our expenses!

Thus, limit your expenses, as well you may, to twenty millions, and that not so low by two millions as we contemplated and were fast approaching. Add three more to cover contingencies, debt and interest, and the whole expenditure need not exceed twenty-three millions. This result we have yet in our own power, by cutting down the new appropriations, and, if necessary, postponing or lessening some of the old ones. If it be not always too soon or too late, too small or too large a case, too hard or too soft an instance for reduction, the retrenchment can and will go to that extent, and, as I have before shown, will leave all our great national establishments efficient. There is not half so much trouble or danger in facing such measures as many suppose. I have been through similar scenes of reduction, from 1837 and 1838 to 1839 near six millions, and thence to 1840 quite two and a half millions more. All this was before the Presidential election. We have only to imitate this, and go on in a like course as was contemplated in 1841, when retrenchment was to bring down the whole expenditure to twenty or eighteen millions. The task is far easier, because the works and undertakings are finished, and old objects are accomplished yearly. This circumstance alone will lessen, and continue hereafter to lessen, the expenses almost as fast as proposed, if we forbear from running into new and unnecessary expenses. Resolve on it, then, firmly; begin, and the business is at once half done at your hands. How, next, shall we meet the twenty-three millions proposed in the present year?

By twenty millions from customs, as estimated by the chairman (Mr. EVANS) in January last, or nineteen, as estimated by the Secretary, and one million more accruing this year above twenty per cent., which he omitted; add to this the receipts from the lands, if properly advertised, and the whole can be discharged. But now the chairman wishes to correct his former estimates, and make something like three to four millions difference in them in only two or three months. I trust, under this request, he will feel a little more charity hereafter, as well as those who are associated with him, for any errors made by others in estimates. The senator from Kentucky (Mr. CRITTENDEN), has set a good example on this point, since his short experience in executive office, by saying that he now believed no administration — not even one under General Harrison — could get on without some mistakes and wrongs.

But, correcting this error of three millions in their estimates, and putting a tax of only twenty per cent. on tea and coffee, we have an ample supply to discharge all the necessary expenses of the year. As to the treasury notes now out, senators will perceive that many of them would thus be extinguished before the year ends, without any

additional loans. But what are not so disposed of I would cheerfully fund at six per cent. for a few years, on a pledge of ample security. They then come at once to par in value, and remain there; and the whole debt of every kind can and will then, in a few years, be entirely extinguished.

We should thus escape national bankruptcy,—millions on millions would be saved to a naked treasury,—public credit would revive, and escape a brand and degradation, under the terms of this loan, which can never be effaced. No temptation will be held out to repudiation, —dreaded and sincerely deprecated repudiation. A permanent national debt, built up in profound peace, would be most happily avoided. The sacred compromise, as to the tariff, ten years ago, would continue inviolate. The new compromise, solemnly and explicitly enacted at only the last session, will not be profaned. The highly-prized resolution of the distinguished senator (Mr. CLAY) who has just left us, pledging the Senate to raise means enough within the year to meet all the expenses of the year, will not be trodden under foot by his friends, as soon as his back is turned. We shall refuse to show real vacillation and mutability, and at the same moment will evince the candor and courage to do right, however different in form from what party influences or party prejudices may countenance. Instead, then, of making bad worse, and trying new and dangerous experiments, we shall return to courses, in matters of finance, sanctioned by the experience of all ages, in public as well as private life. May we decide wisely, then; for thus our "*bane and antidote are both before us.*"

IMPORTANCE OF THE VETO POWER.*

THERE are a few circumstances, connected with this proposition to lessen or abolish the veto power, which have struck me with some surprise.

If we were now in the midst of a revolution, and such an one as ended in our independence, it would not be unnatural for men who had suffered severely from executive oppression to be prejudiced strongly against all executive power. Especially when these wrongs

* A speech in support of the veto power; delivered in the Senate of the United States, Feb. 23, 1842.

had been inflicted by the monarch, rather than the people, of another country, and many of them through the absolute vetoes of his subservient governors, sent here to domineer over us, well might we, in the excitement, denounce such vetoes as arbitrary, and such an executive as tyrannical. Hence, one of the first grounds of grievance detailed in the Declaration of Independence was, that the king had *refused his assent to laws the most wholesome and necessary for the public good.* He claimed the power to do this, also, from Divine right, and not, as our executive derives it, from the people. He exercised it for his own benefit, and that of his kingly third estate in the realm, and not, as our executive does, for the benefit of the people. He used it himself, or by others, almost as often and capriciously as Queen Elizabeth, who vetoed thirty-four laws in one session; and not merely, as here, on great and grave occasions, occurring but twenty times in half a century.

Circumstances like these made Doctor Franklin averse to any executive chief magistrate, and induced several of the States, in their first constitutions, formed in the heat and struggle of the Revolution, with wounds still bleeding from abuses, to give no veto to their governors, and in other cases to give a less one than that in the present constitution of the General Government. Indeed, it even led them, in other cases, like the old Confederation, either to have no separate executive whatever, or one elected by, and entirely dependent on, the legislature.

But, after the experience of eight years in the great conflict, and four or five more in peace, subsequent to the achievement of independence, the wisest and ablest from all quarters of the country convened, and decided almost unanimously in favor of the propriety of the present veto. They cast aside prejudices. They resorted to reason and experience, and in the very first project of materials for a constitution, submitted in the convention by Mr. Randolph, the present veto power was introduced. It was repeated again in Mr. Pinckney's articles, and in all the numerous changes afterwards made in other matters, this remained unaltered, except in the majority, from three-fourths to two-thirds, necessary to overrule its operation. In the end, too, it received the large and almost unanimous vote of ten States out of twelve. The journal and debates are before me, but I will not detain the Senate by quotations or more details. What is equally striking, on this subject, must be the fact, that, in none of the conventions of the people in the different States for adopting the constitution, do we find the veto disagreed to. Numerous, also, as were the amendments proposed in various other particulars, such was the harmony as to this, that not one relates to any further restriction of it; nor has one of the amendments adopted since laid a profane hand upon it. Nor have I been able to discover in a convention of the people, or in a State Legislature, long ago or lately, during the whole lapse of a half-century, a single proposition deliberately introduced to restrict or destroy the veto.

Jealous, and justly so, as our people have always been of executive power, and open as they have ever been to impulses, where so much freedom of opinion and discussion properly exist, nothing has ever shaken their sagacity, intelligence, and firmness, in defence of a power which they know full well now exists for them, and not for a monarch; now lives for their security against errors by their agents, and not as a weapon with which to oppress the people themselves; and which, if dissatisfied, they well know can be overruled by them at any time, quickly, either by electing new members to the legislature, or a new executive, without changing their constitution or removing salutary checks on their representatives.

Under all these circumstances, it certainly must be a matter of some surprise to others, as well as to me, that now, for the first time, and not coming from the people or the States, or the popular branch of the legislature, a proposal originates here, and with a single member, to throw away some of the checks over us which the people and the States so deliberately ordained. Such a proposition can, I admit, be legally made; and, in this instance, doubtless springs from laudable motives. But, in these particulars, it is surely not a little extraordinary.

The mover disclaimed any influence on him from recent events, or the manifesto of a part of the whig members of Congress, in September, 1841. In my opinion, he might well do this so far as regards the manifesto, though others in the debate have considered that as the cause of the present movement. Because, sir, beside all the array, by way of authority, to which I have alluded, in favor of the present veto, it is clear to my mind, on recurring to the manifesto itself, that the signers of it did not believe, before the recent events of the extra session, that the constitution, in respect to the veto, ought in any particular to be altered. Here it is, sir, and the very reverse seems to me to be the truth. The language on that point is, that they had intended to restrain *executive power and patronage*, in respect to the veto, *by voluntary self-denial* in its *excessive use*, and not by any change in the magna charta of our liberties. The constitution was to continue untouched. This idea is forfeited by what was avowed only last March, by another exponent of the principles of gentlemen on the other side, more widely relied on than even the signers of the manifesto. As that exponent was General Harrison, this remark will, of course, not be deemed derogatory to any of these highly respectable signers. Without adverting to what may have been uttered by him at popular meetings, and misapprehended or misrepresented, I hold here his deliberate official exposé on the veto, in his inaugural; and among other remarks there, which need not be repeated, he says:

> The veto power "appears to be highly expedient, and if used only with the forbearance and in the spirit which was intended by its authors, it may be productive of great good, and be found one of the best safeguards to the Union."

He adds that, in his opinion, it was

"To be used only, first, to protect the constitution from violation; secondly, the people from the effects of hasty legislation, where their will has been probably disregarded or not well understood; and, thirdly, to prevent the effects of combinations violative of the rights of minorities."

From the beginning to the end, not a syllable is uttered in favor of lessening the veto by a change of the constitution; but, on the contrary, General Harrison proposed, in these cases, to exercise it as widely as it ever has been exercised from the foundation of the government. So that this motion does not appear to emanate from the whig party as a whole, or even from a portion of it in legislative caucus, unless it has sprung from the eventful negatives of the bank bills, at the late extra session. But, in my view, it was not intended to go as far as this, even at the excited meeting of a portion of the members of Congress in September, smarting under disappointment and rebuked by executive difference in opinion. The manifesto they sent forth does not, could not, and, looking to the intelligence and character embodied in the meeting, I might well add, dared not, propose to do what was tantamount to the entire abolition of the veto power in the constitution. And although they then recommended, generally, some change in it, there was still expressly reserved, and to be left, as much control in the executive as was *indispensable to avert hasty or unconstitutional legislation.*

That control was all which most of its friends ever designed to effect by the present veto. It is also the only control which ever has been exercised under it, from Washington down to Tyler, either by the Presidents who have been so much denounced, or by others who have been so highly commended.

That control, in my opinion, as will soon be explained more fully, is not left by the proposed amendment; and hence it is not in accordance even with the doctrines of the manifesto, much less with those of the eminent statesmen and jurists of both parties in politics in the long half-century which preceded the manifesto, and concurred, in all emergencies, in sustaining its fitness and usefulness. The elder Adams wrote a treatise to illustrate the importance of checks and balances; and Marshall and Jay, as well as hundreds of others of the Hamilton school,—no less than Madison, Hancock, Samuel Adams, and a host in the Jefferson school,—defended the qualified veto, as established and perpetuated to the present moment. Both Jew and Gentile in politics have agreed in this.

Though some exceptions have existed, the great masses of both parties have always approved it; and while we reverence the name of one above all parties, and in respect to whose memory we adjourned yesterday, on the anniversary of his birth, we may well, at the head of all the authorities in favor of both the adoption and use of the veto, cite him,—him who reigns, and, while the republic lasts, will, I trust,

continue to reign, highest,—*first in war, first in peace, and first in the hearts of his countrymen.*

All the long-acknowledged principles of most of the gentlemen on the other side of the House tend, also, to the preservation, and even increase, of executive power. Have they not always befriended a strong executive? Have they not always advocated a strong government? Have they not argued for an independent executive?

I pass over other matters connected with precedent and party principles bearing on this question. The proposition has been made, though not a party one, and we must meet it. The senator from Kentucky (Mr. CLAY) manfully avows that he has made it on his own personal views and pledges; and, therefore, not emanating from a party, and not, as I have attempted to show, agreeable either to party principle or party precedents. I trust, then, it will be considered and voted on free from party excitement or party discipline.

This is a fortunate position for calm inquiry, and I shall, therefore, hasten to examine what justification there may be for disregarding the great array of time and authority which stands in favor of the veto, and for introducing so hazardous an innovation as that now proposed for its virtual destruction.

Some have argued that the present veto power is wrong in principle; others have contended that, if not wrong in principle originally, our experience during the last half-century shows that it has become wrong to retain it longer in practice.

I will examine both of these positions; and, first, the question of the original propriety of the veto on the ground of principle.

Looking to theory, our governments are not founded on the idea of different orders or estates, to be consulted and represented, as is the case elsewhere, and therefore a check or veto is given to one over another. But they are founded on the theory that there is here but one order, or estate, or interest, to be regarded, and that this one consists of the people. They are the foundation of all,—the superstructure and the ornament. Whether they act *per capita* in the choice of representatives, or through their State sovereignties in electing senators, or through electors combining the two other forms in the appointment of President, it is still their action behind and over all, as well as their welfare and security, which are the end and object of all. Why, then, do they permit a veto power? I answer, they do not permit it over themselves. Whenever they act in person, and in primary meetings, no concurrent body is required to assent, or allowed to dissent. No veto is of right permitted to control them, from any human source. In such action, also, bare majorities are sufficient. Otherwise, there is no equality, and one man is tolerated in being more in natural rights and power than another. This condition of things, which some in this debate have stigmatized as a *mad democracy*, is the true philosophy of our system. It is recognized as correct by the Declaration of Independence; and the people acknowledge no veto or negative over their

operations, but what they may themselves choose to impose, and what intelligence, morals, and religion, impose on each enlightened and accountable being.

But as it is not possible, with large communities like ours, scattered over two or three millions of square miles of territory, to convene together in person for the frequent purposes of government, the people perform most of those purposes by representatives or agents of some kind.

Here lies the secret and argument for the veto. It is to regulate and check those agents when liable and likely to err, and not, as some senators have argued, to control the people themselves. It is to help to insure accuracy, skill, and fidelity in the *delegates* of the people, and not to control the people. It is chiefly to secure the latter from effects of haste, prejudice, passion, and mistakes of all kinds, in those whom, on the representative principle, they find it convenient to employ; and it cannot be used to thwart the people themselves, or to defeat their will. It is not and cannot here be applied to their acts; but the acts only of their agents. So far from the veto power being, as some have intimated, an illustration of the *will of the nation controlled by the will of one man*, it shows merely the will of one set of agents for the nation checked and delayed by the will of another set; and this is done, not against, but in conformity to, the *will of the nation*, as expressed in the constitution itself.

The great guide, in delegating power by the people, is to part with no more than is necessary to insure efficient government, and to divide what is parted with among as many distinct bodies and agents as are necessary to insure skill in its use, and under as many checks and balances as can be devised to prevent any abuse of the power delegated. One of those checks on legislative agents is the veto over them intrusted to the executive agents. But other checks exist on the executive and judiciary as well as the legislative bodies, and are all wise, full of foresight, and indispensable to guard the people from errors committed by their agents. These checks, too, whether placed in one hand, ten or a thousand hands, are still not checks on the people themselves, nor independent of the wish and *will of the nation*, nor hostile to its interests. Which class of agents best agree with the views of the people, is afterwards to be settled by the people themselves at the ballot-boxes, when the term of office expires, under our system of frequent elections.

The check of a short tenure of office is something, both over the legislative and executive. The check of impeachment is more, over both the executive and the judiciary. The check of the assent of the Senate to all treaties and important appointments is still more, over the executive, and the concurrence of majorities in two legislative bodies before any act can pass is a still further check over each branch of the legislature. So is the right claimed to instruct agents a check over some; so was the right to remove or recall agents, at any

moment, over the old Confederation. But, in almost every free government in the world, a still further check on legislation has been the power of either an absolute or qualified veto over it, exercised by a third body, consisting of a few, like the ephori at Sparta; or one or two, like the tribunes at Rome; or of one, like our own President.

This tends to prevent in season any threatened evil from legislative errors. It averts the wrong before the fatal blow is inflicted. Where all delegated power in all the departments of the government is derived from the people in different ways, one department is as much the exponent of their will, in the matters intrusted to it, as the other; and when they differ as to what is the people's will radically, is it not prudent that new action or new measures should be postponed till the people, by new elections, can themselves speak on the subject? This is our "mad democracy," sneered at by other gentlemen. Even Chief-justice Marshall, in view of these checks, pronounced our government *a well-regulated democracy*. And though, in the debate, ridicule has been applied to this idea, and to the democratic derivation of all power from the people, yet a more recent authority than Marshall, and, with some on the other side, quite as high on mere politics, says:

"The broad foundation on which our constitution rests being the people,—a breath of theirs having made, as a breath can unmake, change or modify it,—it can be assigned to none of the great divisions of government but to that of democracy." — *General Harrison's Inaugural.*

It is "we the people," in the constitution itself, that ordained it; and in all the States it was adopted by power derived from the people. It was *from the people of Virginia*, the people of New Hampshire, the people of Massachusetts, and so on through the whole; acting in States, I admit, but still the people, under, around and above all. Requiring the concurrence of two legislative bodies in passing laws rests on this same sound principle, that the laws are more likely to be right, and accord with the views of the people and the constitution, if two examine and concur, than if only one acted on the subject. On a like theory, confirmed by all experience, the concurrence of a third body, after due examination, like the executive, and especially where he is also elected by the people and amenable to them, increases the security against error and injury to the community.

You might as wisely move to abolish the first as the last. It is treble distillation, or refining to insure more purity and excellence. It is obtaining all lights from all quarters. All constitutions are, likewise, in and of themselves alone, checks, and great checks, on all departments. But they are only parchment, reaching the conscience, and are open to misconstruction; and hence, the more care and restraint by different bodies, which can be employed in legislating under them, are the better, when not too expensive or complicated. The people then feel safer. They sleep in more quiet from aggres-

sion. They have all the bolts and bars practicable. No agents are angels or Platos, whether legislative or executive agents; and no people are fit for self-government, who will part with power to agents without imposing every check and balance on them which is calculated to protect the community from mistakes in those agents, and which experience has shown to be salutary. Even Patrick Henry, though so strenuously opposed to the present constitution, insisted that more checks were proper, instead of there being too many. He said:

"In the British government there are real checks; — in this system there are only ideal balances. Till I am convinced that there are actual efficient checks, I will not give my assent to its establishment."

Mr. Jefferson expressed his opposition more strongly against a legislature without proper checks than an executive, because it substituted many tyrants for one.

All the best writers on government in this country, since the able vindication of the veto power, in the Federalist, by Hamilton, Madison and Jay,—such as Kent and Story,—have treated it with high commendation, both in its theory and practice. France, in her charter of 1830, has returned to an absolute veto. And if England, after the revolution, has seldom witnessed its use, because resisted by the Commons, on account of its being in hands not amenable to them, yet the executive there, in its power to dissolve Parliament if attempting dangerous laws, and its power over the House of Lords in the appointment of its members, still retains indirectly and exercises as powerful a weapon to defeat legislation as any veto, however unlimited.

The qualified veto exists in seventeen of our State constitutions, and in most of the others is omitted only because the executive is there chosen by the legislature, and hence too dependent on them to make the power of any use in his hands. Though six or seven of the States make the veto power less extensive than in the constitution of the General Government, yet they substitute for it a shorter term of office in the members of the legislature, and hold them more strictly amenable to instructions from their constituents. How often has its use been most salutary in many of the States, as well as in the General Government! But I omit details as to this, which other gentlemen have presented fully already.

It has been said, and that well and truly, by an eminent jurist politically attached to the other side, that the more frequent use of the veto in both governments would doubtless have been better for the community. Especially might most concur in this, when looking to the millions of State debts and myriads of broken State banks which have recently covered so much of the country with desolation, under a hasty and ill-advised and too little checked system of State legislation. Those States that have escaped may well rejoice that some checks or other, more efficient, have existed among them, against the vast impulses of speculation and interest. And no government has

more cause for thankfulness than this, that the exercise of the veto power averted from it, in the Maysville road case, much of the two hundred millions of debt which afterwards fell elsewhere, from want of the existence of the veto there, or the sagacity and fearlessness to employ it.

But, in the consideration of this question, as to the expediency of a veto power in our system of government, the nature and extent of it, under our present constitution, have been misunderstood, and the mistake has tended to render this power more dreaded by some, and therefore more censured, than it otherwise would have been.

It has been denounced as a *one man power*. This is either to prejudice it as something monarchical, on account of our just jealousy of executive influence, or it rests on an entire misconception of its true character. Are not all our State Governors — whether the powers intrusted to them be more or less — a *one man power?* A plural executive has long since been exploded, as less responsible and more dangerous. Is not every humble justice of the peace a *one man power?* — every sheriff, marshal, or constable? Are not district judges a *one man power?* In some of these cases the authority given to the one man is limited, in others an appeal lies from it, and in all there is an accountability to the people in some way for its exercise. Hence they are safe as human trusts can be. But there must be some such trust, or there can be no representative government whatever. Such is the case of the veto power vested in the executive by our constitution. It is a trust limited, and for and from the people. It is exercised, not in originating laws, but merely in approving those which originate elsewhere. It is to be used under a high sense of duty, and a solemn oath to support the constitution, and with a view only to the public welfare. An appeal lies, in all cases, from it to the legislature itself; and if two-thirds of the members concur, the veto is virtually reversed. If the executive misbehaves in its use, he is not only liable to impeachment, but he forfeits public confidence, and endangers not only his private character, but his reëlection to the most elevated station in the republic. If not thus overruled, it can be by electing new and different members of the legislature, or by electing a new executive, and all this without much delay. It is a power by which no existing law can be changed, no new burden imposed on the community, no new office created, no tax levied nor money appropriated, no new debt incurred, and neither peace nor war declared. On the contrary, it tends to prevent rashness and fickleness — the banes of republics.

It is a power which was conferred to prevent wrong, not to do wrong. It is one intended to ward off a violation of the constitution, and which may avert most ruinous effects from haste, inadvertence, or corruption. It was conferred for each of these purposes, as well as to protect the executive department from legislative encroachment and destruction. These are material purposes; and some of the reasoning

on the other side has not been entirely fair, which has represented the protection of the executive authority as almost its sole object. Never yet has it been so employed during our whole history; and the argument by the senator from Kentucky (Mr. MOREHEAD) has been fallacious, which asked, in a case where it was used to prevent a supposed breach of the constitution, whether it was not there badly used, because there had been no *haste* in the law then vetoed. It might as well have been asked in other cases, where it has been employed to prevent the ill effects of *haste*, whether it was not badly employed there, because in those cases no constitutional question arose. It can and should be used for both purposes, or either, whenever the public welfare appears to demand it; and it has truly been remarked, that so prudent has been its employment as never to have been overruled by a two-thirds majority; that every President exercising it has been reëlected hitherto, and no one has failed to be reëlected but such as never used it. If the people had ever been really dissatisfied with it, or the cases in which it had been applied, how quickly would it, long ago, have been swept from existence by those who control our whole system!

Passing over many illustrations adduced on this point by others, very little is the injury which could be inflicted by a reckless executive, in using the veto improperly. Beside impeachment, and refusal to elect, how immediately could his supplies be cut off, his patronage cramped, the salaries of his favorites lessened, or their offices abolished! It is used, too, by the will and direction of the people, instead of being independent of it. They may truly say,

> "He is ours
> To administer, to guard, to adorn the State,
> But not to warp or change it."

It is used by an officer not only amenable to the people, and virtually appointed by them, and representing them as explicitly as the legislature, but by one elected through votes of the whole, instead of a district or State alone, and hence less liable to local or sectional feelings, prejudices, and undue influences. It is used by an officer thus situated, much more likely to be right than one man, making a bare majority, in this House or the other, to pass a bankrupt or some other law,—and that in contravention, perhaps, in some cases, of instructions from the people,—or than a bare majority of one in the highest judicial tribunal, and on the greatest and gravest questions of constitutional doubt. It is used by an officer most widely known and esteemed for talent and virtue, who acts only after calmly considering all which has ever been said and done by others, and who cannot dissent without setting out his reasons at large, for the whole country to scrutinize, as well as the legislature, and who risks, in using it improperly, both fame and office. In using it,—when of such advanced age, high standing, and great experience, as are usually associated in

a chief magistrate, — he is less likely to be impulsive or passionate than a large and popular body of men. The most he can do by it is to keep things as they are At the same time, he cannot make it effective even to prevent legislation, and retain matters merely as they are, unless one-third of the legislative body concur with him in his conclusions. This demonstrates that it is not only in no offensive or aristocratical sense a one man power, but is in no sense a power which is exercised *solitary and alone* by one man. In assenting to a law under the veto power, he must have concurring with him a majority of both Houses, or his assent is nugatory. In dissenting, also, by its exercise, he must have one-third of the legislature concurring with him, or his dissent is nugatory.

It is, therefore, in substance, not a one man power, but a power actually exercised, and which must be exercised, in conjunction and concurrence with many others, or it becomes void. Others are asked by it merely to try a *second sober thought*, under calmer circumstances and in cooler moments. In fine, the whole essence or vitality of the power is, in its utmost extent, to require review and reconsideration in others. After that, it exacts only a majority of two-thirds of the legislature to pass certain laws, instead of a bare majority; and those laws such as the executive, another agent of the people and the States, supposes have, by haste or some other cause, been carried through injudiciously.

It will thus be seen that acts of the Houses can become laws in spite of him, and that the whole war against the veto power is a war by one class of delegates from the people against the people themselves, because they have required two-thirds instead of a bare majority of their legislative agents to unite before laws shall be perfected in doubtful cases. Is this war not rather a reflection on the people, by their agents, who wage it?

Is it not marvellous modesty in an attorney, to complain that his principal does not choose to confide more power to him, or to leave what he confides without a check or concurrent opinion by another attorney, or by two others? The principal here, the people and the States, deem their vital interests safer with a double or treble check over their delegates; and is it fit or decorous for these delegates to complain? The people are willing that a bare majority of the people themselves should control, in their primary assemblies. But they may prudently refuse to be controlled by their own agents, unless a majority of two-thirds agree, and unless two or three kinds of those agents concur. This is wise precaution, and not oppression nor tyranny. How absurd to pretend that this course is derogatory and injurious to the people, and tends to control the will of the nation by the will of one man!

Why, sir, our own constitution, as well as that of many of the States, is full of similar provisions, which might, on principle, be assailed even with more propriety than the veto. Do you not per-

ceive that this very amendment now under consideration cannot succeed, according to the express provisions of the constitution, unless two-thirds of the legislature are in favor of it? and even three-fourths of the States? Why has not the mover proposed to abolish that two-thirds or three-fourths requisition, as well as this?

You know, also, that in trials of impeachments, by the same constitution, the respondent cannot be convicted without a majority of two-thirds of this body concur. Why does not the mover propose to amend that?

Again, sir, by the same constitution, treaties cannot become laws of the land unless two-thirds of the Senate agree to them. Why does not the learned senator (Mr. CLAY) move to amend that provision also?

In some cases the constitution goes still further; and the equal representation of each State in the Senate cannot be changed by an unanimous vote of every other State, and of both Houses in Congress, unless the particular State in interest assents. Will he not next propose to strike out that provision? So, before 1808, by the constitution, no vote, however unanimous, could pass a law affecting the importation of slaves. So, in many States, similar provisions of a two-thirds or three-fourths vote, in agents of the people, is, in some important cases, explicitly required.

Look to New York as to corporations. Look, sir, to the conventions of the several States which adopted our present constitution, and you will find numerous instances when it was urged to extend the two-thirds principle still further than it has been by the veto, rather than curtail it as is now attempted.

Here they are, in their debates, extending to votes for war, votes to make loans, votes to raise troops, votes ceding the fisheries, votes regulating navigation and commerce, votes raising direct taxes.

I will not detain the Senate by further specifications concerning them.

All of us have drawn, with our earliest breath, the right to a trial by jury. It is secured to us by the constitution, as the palladium of civil liberty. And yet, must there not be an unanimous vote by a jury in the smallest case? Do gentlemen intend to abolish that? So the common law courts of much importance have each four judges. Why? To secure, if all were present, a vote of three to one for any decision; and if one was absent, at least a vote of two to one, or the very two-thirds provided for in this case of the veto power.

I pass by the want of exact proportions even in primary representation in the other House, where large fractions must be unrepresented. I pass by the three-fifths representation of slaves there, as another of the sacred compromises of the constitution. I pass by even the enormous inequality of numbers, as represented in the Senate. Only seventy or eighty thousand people in Delaware have as much power, through their State authority, in this body, as two millions in

New York; or one voter in one State possesses virtually a power in the Senate equal to twenty-five voters in another State; or one agent here, by our check on the bills of the other House, has a power in legislation equal to five in the other House. Is this disproportion next to be assailed, and the constitution in all these particulars next to be prostrated?

Far be it from me, sir, to impute any such revolutionary designs to any who have supported this amendment. But do not the elementary principles they advance in support of it lead inevitably to changes innumerable and vital in our constitution, and perilous to all our boasted rights and liberties under it?

Away, then, with this course of reasoning! Away with the idea that our fathers, who fought against monarchy, approved a power in the constitution which is either monarchical or dangerous, or unsustained by the soundest analogies and reasons in the history of all ages, — matters which they had widely scrutinized, and on which they had deeply and anxiously reflected!

While this power was used by Washington, Madison, and Monroe, nobody dreamed that it was wrong in the abstract, or in practice unwarrantable. Nor is it more unwarrantable now; but only, perhaps, more an obstacle to some of the ill-advised schemes of ambition, avarice, or speculation, which have of late years overwhelmed so many with ruin and dismay. It is not vetoes, but vetoes on darling measures, — vetoes on distribution, internal improvements, and banks, all connected with the absorbing strides of the monied power, — which have excited so much hostility and condemnation. A veto on the bill repealing the bankrupt law, during this session, was looked forward to with exultation by many who denounced its use in the other cases. Grant, then, that the mover of the amendment, as must undoubtedly be the case, is free from all motives unworthy his station and character, in making the proposition. But the tendencies of it, and the arguments for it, are all just subjects of analysis and criticism, and must be hung up to such reprobation as they appear to deserve.

Another of his reasons against the present veto power is its supposed mixture of legislative with executive duties. In reply to this, it might be said, that so far as he retains any part of the veto in his amendment, as he professes to do, the same mixture is continued by himself. In the next place, the veto is not a legislative power, as arranged under our constitution, and is not, therefore, a mixture of legislative with executive duties. It is Roman, and not English or French, in its origin. It is, therefore, tribunitian or plebeian, rather than legislative. The laws, as laws, are originated and perfected without it. The executive merely affixes his assent, as a tribune for the people, or withholds it.

But the law is made elsewhere, and becomes, in spite of his dissent, in full force, if two-thirds of the legislature are subsequently in favor of it.

Again: were all this otherwise, and were the power legislative, it is no violation of the general principle separating legislative, executive, and judicial powers, to vest this in the executive. They are still separated in their great divisions; but, for checks and balances over the agents of the people, and not over the people themselves, some mixture is made, and properly made, in detail. It is considered, by some of the wisest statesmen and writers, that this, so far from being a deformity, or an argument against a power so mixed, — if the veto be such an one, — is a beauty, a guard, an excellence. Are we, as legislators, to complain of such a mixture, when we exercise an executive power as a check over the President, in stopping all his treaties and all his important appointments, if we dislike them? — when we exercise, also, judicial powers, in trying all impeachments? and, when the other House also exercises the judicial power of a grand inquest in respect to political offences, and the power also of prosecuting attorney, by its own members, in person, in case of impeachments? But, beyond all this, does the mover complain of such a mixture in the executive, when he himself proposes, in another amendment, to make a new mixture in legislative duties, by devolving on the two Houses the executive power of appointing the Secretary of the Treasury and Treasurer?

Lastly, as to the rightfulness of the present veto in principle, it is argued that a more restricted one, allowing a bare majority to pass a law, notwithstanding the dissent of the executive, would prove sufficient to answer the design of this power, as a check on the legislative agents of the people.

But the senator from Virginia (Mr. Archer) justly remarked that this would, in practice, prove no veto at all. The amendment, therefore, in such a form, is a virtual abolition of the whole power. Suppose the law to be vetoed is an encroachment on executive privileges; will it not, when sent back, be of course repassed by the same bare majority who at first intended to assail him? Suppose the law involves a constitutional question, which was fully debated, and a bare majority voted against the scruples in that respect; would not the same persons repass the law, if sent back? So of a bad law, passed through corruption, or impulse. I admit that a mistake through haste, in a law, if sent back, they might correct. But that could be corrected by a new law. Thus, every important and vital object of the veto power would be prostrated by a change like that contained in this amendment.

Executive independence, constitutional doubts, stability in laws and systems, great sectional questions in a small minority, would all bend before it, and be overwhelmed in one common ruin.

If an executive, under such circumstances, stripped of all direct check on the error of erring legislative delegates, should be driven to the greater use of his indirect influence, it would tend to practices truly monarchical, contaminating, and fatal to American liberty and virtue. After this amendment, there would be less of the veto left

than was allowed to remain even in the first stages of the French revolution; for then the passage of the law vetoed could not take place till two successive sessions sanctioned it. And when thus reduced, what was the next step in their encroachments? The whole was swept after it, in less than twelve months. Nothing remained to check the excesses and tyranny of legislative aspirants, till the entire country was covered with confiscation and carnage.

In another view, still different, the largest veto here is less likely to be misused, or to be dangerous, than the smallest one in monarchies. For there the different departments of government generally represent different interests, and are either jealous, hostile, or encroaching, for their own personal benefit and aggrandizement.

But here they all represent only one interest,— that of the people. None have an object or estate separate from the people; and hence the occasion for differences will be less frequent, and, when they do occur, will be less selfish, and therefore more entitled to weight, respect, reconsideration, and delay, unless the majorities in the two legislative bodies are quite as large as two-thirds.

It has next been argued, that, though the qualified veto in our constitution may have been proper at the time of its adoption, circumstances have since changed, by the disproportionate growth of the executive power over the legislative, so that the veto ought to be further reduced or annulled. This is an important view of the subject, and I will endeavor to meet it in frankness, and with facts, as well as general principles, calculated, in my estimation, to demonstrate the entire fallacy of the position.

We have heard repeated, in this debate, a remark which originated with Mr. Dunning, that *executive power had increased, is increasing, and ought to be diminished.* Whether this is correct or erroneous, it should be kept in mind that it was uttered under a monarchy, with an executive claiming to rule by Divine right,— not amenable to the people,— possessed not only of an absolute veto, but a power at any time to defeat any law by a dissolution of Parliament, or by appointing additional members to the House of Lords,— revered as the original fountain of all laws as well as honors, and acknowledged as an independent permanent third estate in the realm. It is never, as a general principle, true in a republic.

Here, executive power can never legitimately increase by its own operations, except as the growth of the country augments the business of all the departments. It can never be enlarged disproportionately, except to carry into effect the plans of the legislative authority. Here, the executive can get nothing beyond what the people and States gave him at first, unless the legislature, under this enlargement of its own influence and objects, voluntarily choose to confide more to him, for its own or for public purposes. Here, also, if party power ever becomes exclusive and absorbing, it is developed first and most in the legisla-

ture, which is more immediately connected with the people, and with party machinery and party impulses, than the executive.

Hence, the executive, considered alone, is here almost powerless. Instead of being everything and doing everything, as some have argued, it is manifest that here, as well as abroad, his influence for good or evil is much less than many suppose.

> "How small, of all that human hearts endure,
> The part which kings or laws can cause or cure!"

But here laws do almost the whole which can be done by the General Government, either to advance or retard the influence of those other great and active agents in society which are the source of most of its weal and woe. Hence, the legislature here is made the depository of almost every important power delegated by the people. It makes peace and war, and not the executive, as elsewhere. It helps, through means of the Senate, to make all treaties and important appointments to office; and not the executive alone, as in most other countries. It can pass all laws in despite of his objections, if only two-thirds of the members concur in the passage; and not the executive, as in both England and France, possessing an absolute veto over them all. It is invested with the great incidental authority, under the constitution, to pass laws in every case not expressly enumerated, if necessary and proper to carry into effect what is enumerated.

But the executive has no such sweeping, undefined, grasping authority, independent of the legislature. Even many parts of the constitution itself cannot be enforced, either by the executive or the judiciary, without previous legislation. The executive power is tied up and hedged around in almost every respect, while the purse and the sword, which are the power over taxation of all kinds, with that of raising armies and navies,—officers, high and low,—all depend on legislative action either for existence or support, and in most cases for both. He can unite in no law but with them and their previous action. He can make neither treaty nor important appointment to office, without the coöperation of one of the Houses. He cannot put a seaman afloat, or plant a soldier in the field, a secretary in his cabinet, or a clerk in a custom-house, or even buy bread and meat for his own table from the public revenue, without first having their express and prior sanction. He is but one, too, among millions; while, on the contrary, the legislature is numerous. He can comparatively have but few connections or intimates, while they have many, and are in constant and more frequent intercourse with every portion of the community, to command popularity from the great sources of all real power in a republic. It is hence that the combined talents, intelligence, wealth, and influence, of the legislature, in a country so free and enterprising, active and aspiring, as this, are always an overmatch for a single executive, and more especially one thus restricted and dependent.

The fashion and tendency of the country are, for the legislature to

crowd the executive gradually off the end of the fallen tree, as Tecumseh did General Harrison, when illustrating how the white population slowly encroached on the aborigines.

From such a spirit, and from that jealousy which is in itself commendable, but which is not always skilful, the executive has, in several States, become a mere cipher.

One senator (Mr. MOREHEAD) has complained, in this debate, that the President presumes to give his opinion to us on important public questions. Yet the constitution and his oath demand this duty from him. At the same time, it has been amusing to witness, in two other instances, senators on the same side of the House (Messrs. CLAY and RIVES), in discussing resolutions calling on the President for papers, resist them, because they indicated too prying, too inquisitive, or too intermeddling a spirit, on the part of the legislature, with what are properly executive duties. It would seem, therefore, that in fighting against a supposed increase of executive influence here, we are fighting the air.

But, independent of all reasoning to show that the legislature here is much the most powerful, encroaching, and increasing, even in despite of the veto power, let us advert a moment to the opinions of some of the ablest writers and statesmen on this point. They are of all parties.

Wilson said, in discussing the checks and balances in the constitution (Debates, p. 1330), he "was most apprehensive of a dissolution of the government from the legislature swallowing up all the other powers."

G. Morris (p. 1165) "concurred in thinking the public liberty in greater danger from legislative usurpation than any other source."

Madison (p. 1163) observed that "experience in all States has evinced a powerful tendency in the legislature to absorb all powers in its vortex." — "This was the real source of danger to the American constitutions."

The Federalist — Kent and Story — are all full of the same elementary principle, as expressed by the latter, that "the tendency of republican government is to the aggrandizement of the legislature at the expense of the other departments;" or, in the words of the first, "The legislative department is everywhere extending the sphere of its activity, and drawing all forces into its impetuous vortex."

Even Mr. Jefferson denounced an unchecked legislature, or a concentration of all power in it, as the worst of tyrannies. (Notes on Virg., p. 214.)

Before quitting this point, and in order to prevent misconception, I would observe that the growth of legislative power, within the limits of the constitution, and without encroachments on what the people and the States, for their safety, have confided to other departments, has never been with me a matter of regret. It is, at times, evidence of the increase of intelligence, talent, and enterprise, among the members

as well as in the community at large. It conduces to the general improvement of our institutions and of the community, and is not only excited by much of what advances the prosperity of the country and the age in which we live, but in some degree reäcts and augments the power of what feeds and stimulates it. A high order of talent and virtue in Congress, long experience in the public service, and great political science, must and should command due influence everywhere. Nor am I one of those who cherish no jealousy of executive power. I would check and restrain it with care in our constitution, as has been done by our fathers; and I would afterwards watch its operations with argus eyes, in order to detect and thwart the first movements violating those constitutions. This natural jealousy, in most of our population, is a great guaranty that abuses will seldom be attempted; and, if attempted, will seldom be allowed to succeed. But far be it from any of us to seek to defeat the constitutional checks and balances placed over us by our constituents, for their security and their welfare.

The only remaining apology for asking them to take from the executive a portion of his power controlling us is this. Notwithstanding all theory and argument show the legislature in a republic to be more increasing and encroaching than the executive, it is said the facts developed here since A. D. 1789 show that the latter has really grown the fastest in power, and must, for the public safety, be deprived of some of its privileges, and especially of the present veto power.

This is the last, and, in my view, most important position which has been advanced. It has met with least attention in the debate; but, on a scrutiny, the facts will be found to operate most triumphantly against those who assume the position.

Look at our legislative history impartially; select not two cases only, like the mover, and those doubtful in character, if not bearing against him, but examine a host which exist connected with the subject. I shall not detain the Senate with a collateral inquiry, which were decided right and which wrong, but merely allude to the cases as events showing the instances and progress of legislative influence compared with the executive. Having heretofore occupied stations in both of those departments, and as well in the State as the General Government, I am in a situation to feel impartial between the two rival powers. I do not contend that all, in either branch of the government, are saints, or all sinners; but those in each have virtues and frailties incident to their position as well as private characters, and of which I shall venture to speak with that freedom, as well as candor, indispensable in any useful inquiry after truth.

One of the first measures in the first Congress, under the new constitution, was to organize the executive departments. Under the Confederation, the Secretaries had, in analogy to what exists in both England and France, been permitted to appear in person before Congress, and make explanations. But, in the new arrangement, such was the jealousy lest executive influence should gain some advantage over the

legislature by the presence of its agents, that none of the Secretaries were permitted to appear on the floor of Congress, and only the Secretary connected with the treasury was made subject to attend in person when desired. It is another curious illustration of the dread of executive power, and the stripping it in this way of any opportunity for personal influence over Congress in public discussions, that the Secretary of the Treasury, though thus made liable to attend, has, in the whole fifty years since elapsed, never been once called before the legislature, and enabled in person to vindicate his measures and repel unjust attacks.

Another question arose, and was settled in the organization of those departments, which shows the great strides since of legislative claims over the executive. It was long and most ably debated, whether the Secretaries should be made removable by the President alone, or only in conjunction with and by the assent of the Senate. The decision was solemnly made against the propriety of the interference of this legislative branch of the government, and was acquiesced in quietly and practised on constantly for more than a third of a century.

Yet, of late years, such has been the increase of legislative claims over the executive, rather than the reverse, that a continuance to make removals, in conformity to the principle of that decision, has been denounced as unconstitutional, not merely by partisan presses or disappointed expectants, but by grave and learned senators, and the executive has been hung up for it to unmitigated censure and scorn.

Another event soon occurred, which the senator from Kentucky (Mr. CLAY) adduced as a proof of the increase of executive power, but which, in truth, gave the legislature an early as well as unexpected power over all nominations to office. The President retired, or was driven by our conduct, from appearing, in person, in this chamber, to procure a confirmation of his appointments. This at once gave more freedom of speech and inquiry in respect to them,—enabled the Senate to use greater examination, and relieved them from all personal importunity or argument from the executive. It thus established a far greater and more efficient check over all his selections for office than could have been possible under the previous practice.

The next important development of the increase of legislative influence was also in this body. After sitting for some years with closed doors, even in legislative business, and thus being, in public appreciation, little more than a council of review, our doings, in the consideration of laws, after strenuous opposition, were flung open for publicity and discussion before the people and the world. This body shot forward at once in power and popularity; and wants nothing more, but the same publicity and discussion in acting on appointments, to make it a still more formidable check in appointments than it now is. Should the motion of my friend from Ohio (Mr. ALLEN) prevail on this subject, the country will owe him a deep debt of gratitude, not only for the new restraint it will place on the President, but for the check it

will impose on the worthless harpies that fly around the executive for office, and who, if their characters and claims were here in the blaze of day to undergo public examination and exposure, would often shrink from their applications. Thus the mode of administering the government is almost as essential to preserve a due balance between the different departments as the express provisions of the constitution itself. Another shock to executive influence, and at the same time an increase of legislative power, was in the repeal of the celebrated judiciary act. That repeal took from the executive a power to reward friends with an office whose tenure was good behavior, or for life, and asserted the authority of the legislature to shorten the term to a year or less, if it pleased at any moment to abolish the act establishing the office.

[Here Mr. Clay inquired, across the chamber, if that decision was wrong.]

I began this examination of occurrences in our history bearing on the comparative increase of legislative and executive power by stating explicitly that it was not my purpose to detain the Senate by arguing whether the decision, in any case, was right or wrong. I merely refer to the record, and to the manifest character and tendency of the decision, whether correct or incorrect, to prove that the legislative, rather than the executive power, has augmented greatly.

But what have we, beside all these, in the further progress of our affairs? A most insidious system of taxation by a tariff. It looked at first only to revenue; and manufactures, like other interests, came in merely for incidental protection, and that under a low rate of duties, from twelve and a half to thirty per cent. Next, it gradually increased, under legislative influence, and for the aggrandizement of the members and their powerful constituents, to a deliberate and enormous protection, for manufactures alone, of fifty, eighty, and a hundred per cent. It thus disturbed so fearfully the pursuits of the community, and deranged so greatly the employment of capital, as, with other circumstances, not necessary to be now recapitulated, to break down the whole system; but only to be revived again recently, with the new and tremendous claim of a legislative right to increase its popularity, by giving away, through distribution acts, immense amounts of the public revenue, and relieving the States, to some extent, from both debt and direct taxation.

Next in our history came the system of internal improvements. At first, a cloud in the horizon no bigger than a man's hand, appropriating six or eight thousand dollars to preserve some piers in the Delaware river, at Newcastle, it in time rolled onward, expanding, under legislative impulses, to the immense aggregate of nearly two millions yearly. One member urged a work that would aid his city; another, his State; another, peradventure, his own local interests; another, doubtless, the public convenience, till Congress found itself wielding this immense influence over all quarters of the country, by a system of log-rolling as irresistible as it was unlimitable and ruinous. When

the executive had the courage and independence to stem the torrent by the Maysville veto, and thus checked many extravagances, the same influences rushed into State legislatures, soon overwhelmed many of them with immense debts, and has now burst out again here, by forcing Congress into new schemes of distribution and increased tariffs, to be, in many cases, similarly wasted.

Once for all, it may be added, as another illustration of our topic, that neither of the fatal distribution acts of 1836 or 1841 could ever have been passed into laws, but for the increased and increasing power of the legislature. Who would have dared, in 1790 or 1800, or even 1810 or 1820, to propose measures like those?

What would Gerry, or George Clinton, or George Mason, have thought of a proposition to bestow on the States all the large revenue from our vast public domain, and resort to heavy taxation on the people to supply the loss of it? What republican would have dreamed of giving the appropriation of our money to a different government from that which imposes the burdens? Executive influence resisted and retarded this destructive course for years, till, at last, by help of the concentrated money power for a bank, and a concentrated money power for protection to manufactures, the legislature has triumphed, the executive has been revolutionized, the distribution accomplished, the tariff compromise proposed to be violated, and, but for the death of the late incumbent, all executive resistance to any and every legislative rashness prostrated in the dust.

Who, also, but the legislature, have swollen the pension system from a few thousand dollars, at first contemplated, to many millions? Who are the agents, and who are thanked and sustained for the vast sums thus expended? Who, but the legislature, for their own expansive plans of favor, popularity, or, in some cases, public policy, added, for some years, from ten to twenty millions to the aggregate of expenditures asked for by the executive? What increase of influence has grown up here over the press, by the enlargement of our printing expenses? How many of the Indian expenditures have also been crowded on the executive by the legislature? How many grants, in private claims, much more acts of charity or generosity than justice, to legislative importunity? How much of the light-house system? It has been increased from a few thousands to about a third of a million of dollars, and I fear there is no limit to the local jobbing and local influences connected with it. How many thousands of State expenses in the late war, incurred not only without our authority, but, in some cases, in contempt of it, have been paid out of the national treasury, under the pressure of legislative importunity?

If the executive, in some of these cases, selects agents to expend the money, they are agents recommended by members of Congress, and both the expenditure and the appointments contribute to the growth of legislative influence. His only gain is that of more labor and responsibility. So, if millions are expended on forts or navy-yards, the patron-

age is nominally with the executive, but really with Congress; and the local increase of expenditure is sought for by some members as a most desirable boon, for the profits and salaries to influential friends, quite as much as for patriotism.

I hasten over many other instances of the increase in legislative power, lest being too tedious, such as each House authorizing clerks without specific laws; such as requiring estimates for public buildings to be first submitted to a House committee; such as bestowing double or additional compensations on our officers, in the teeth of a provision controlling, in that respect, the executive departments; such as having increased our own salaries and franking privileges, but never the President's; and such as having officers to protect this chamber, and a police to guard the capitol, but not a solitary individual around the President to shield him even from insult or outrage.

But one moment on the great change of power and claims evinced between the executive and legislative branches as to the keeping of the public money.

In 1789, a law passed, as a matter of course, confiding the custody of the public money to the executive. It was to be kept by the treasurer, whom the President appointed, and whom he could remove. The mere keeping of it in safety was, in its nature, a ministerial or an executive act. It conferred no increase of power, but only an increase of liability and labor. The money could not be used or loaned to a single dollar's amount. No gain, or profit, or patronage, belonged to its possession. But lately, such is the progress of legislative claims and power, the keeping of the public money by the executive has been denounced in Congress as most dangerous to public liberty. The mere removal of it from one depository to another, though under express provision in the law or charter of 1816, has been stigmatized as usurpation, and the executive conduct on that occasion dragged hither and nailed to your table with most reproachful condemnation. Even his wish to be heard, and his protest against the attack on his good name, was rejected and virtually flung under your table; and his character, without hearing or trial, was sought to be handed down to posterity, on our official records, as one unfaithful to public trusts and a violator of the constitution he had sworn to defend.

Who would have proposed to arraign Washington thus, under whose administration the places of deposit for the public money were frequently changed by the executive? Why this great revolution in legislative feeling and action on this particular subject? Manifestly because, in the mean time, powerful individuals have been permitted to enjoy temporary loans of this money from the banks, after they were selected as depositories,—loans which our own officers holding it could not and dared not make, without exposing themselves to punishment.

A change of the depository might compel a collection of the loans, and cut off future favors to the same persons. Did not much of the clamor arise from this? And has not the repeal of the independent

treasury been, in part, the result of the like determination to obtain the use of the public money by similar persons,— members of Congress and their influential friends,— and which use that law forbade? Did not some similar pecuniary considerations, in similar quarters, enter into the reproaches for the vetoes against internal improvements and the distribution bill? Much more did they not burst out at the vetoes of the bank bills, in 1832 and 1841?

The last two contained a singular illustration of what some might consider not executive but legislative grasping, because it originated here, and was negatived by the President. It changed the location of the bank from a great commercial city to this capital, where the members of Congress could, if disposed, exercise more immediate and powerful influence; and, at the same moment, after long debate, the bill passed without prohibiting members from obtaining loans.

Let me invite your attention next to two great changes in our system of credit for lands and duties, which have stripped, and justly stripped, the executive of much incidental influence. In 1820 over twenty millions of debt for the former was under his discretionary control as to its collection, and at all times for the latter it has been from ten to twenty millions yearly. Just as truly as it is said in Holy Writ that the borrower is servant to the lender, just so truly has this first change deprived, and will the last one after next June deprive, the executive, either in person or through his subordinates, of a large amount of indirect power.

Not to detain you with other specific measures, showing the growth of legislative claims and legislative power on the one hand, and of the wane of executive influence on the other hand, let me add that the usages of the government, in all appointments to office, from the lowest to the highest, are more illustrative of the truth of these positions than even the positive enactments of Congress.

Yes, sir, from the most paltry clerkship, or light-house keeper, or tide-waiter, to judges, foreign ministers, and cabinet officers, the pervading and overwhelming influence of the legislature has been hourly and daily felt more and more.

Go to the files in the departments,— go to our own; whose interference is most common? whose recommendations are most powerful? whose remonstrances, when overlooked, are most indignant? Members of Congress, most assuredly. I stand not here to pass judgment on this as right or wrong; but merely to bear witness to the fact, and its consequences on the growth of legislative influence over the executive.

Why, sir, the whole patronage of the army and navy is almost absolutely resigned to them. They virtually make the selection of cadets, and control most of those of midshipmen. Who press, also, the increase, and decide the choice of pursers, assistant-surgeons, chaplains, and the marine corps, but members of Congress? And why, but for this, have we, in the very last year alone, as appears in the document before me, eleven additional pursers, the chaplains nearly doubled, and

the higher grades of officers increased to make way for new ones at the bottom; so that the post-captains are thirteen more than at the beginning even of A. D. 1841, the commanders forty-one more, the surgeons eleven, the lieutenants forty more, and the passed midshipmen and midshipmen *one hundred and twenty more!* This may be all right, or questionable, or wrong. I do not now enter into those considerations. But who have been gratified by it? Who have urged and controlled most of the new appointments?

Yet this is not all. What influence but the legislature compelled General Harrison,—who had previously denounced the appointment of members of Congress themselves to office, as one of the amendments on your table does,—what but that forced him to select four out of six of his cabinet from those very members of Congress; and, while boasting that he would act as President of the country, and not of any party, selecting all of them from the ranks of one party? I cannot stop now to trace this further into foreign embassies, judgeships, and collectorships. But let me ask if the legislature have not assumed for some time even to checkmate the appointment of the executive himself? Have they not blackballed him in a legislative caucus, when unmanageable? or recommended another, likely to be more complying? And when driven from these halls to general conventions, have not the members of Congress, in many cases, been members of those conventions? And did not some of them, as at Harrisburg, change the nominee for President by their all-controlling influence?

Let me ask, in candor, too, if the whole system of removals from office for opinion's sake, so much denounced formerly by those who now practise it most, has not had both its stimulus and sanction in Congress itself, to gratify the members themselves, or their active friends? If not so, why are not those removals prevented by legislation? And why is a President sustained at this moment, or why was one sustained last March, who daily then and daily now turns out worth and integrity and fidelity, to starve or beg favors of a cold world, merely to reward with the spoils of office some partisan sycophant? There have been quite too much of talk and pledges on this point, and quite too little of performance. Above all this, as an evidence of legislative interference and encroachment on the executive, have not members of Congress, even the loftiest, taken the field in person against him? Have they not assailed him in season and out of season, at dinners and jubilees, on the stump and in halls of legislation, and on the Sabbath as well as week days? As an evidence how feeble is his power, compared with theirs, especially when theirs is reïnforced by that vast monied influence which his independence and vetoes had disaffected, did they not mainly drive the last President from office? Did they not substitute another, in spite of all the imputed increase of executive power, and that other disposed to gratify this monied influence by internal improvements without limit, except the want of funds, by distributions lavishly of the public revenue, and, but for his pre-

mature death, by national banks, as large, gigantic, omnipotent, as the most latitudinary member of Congress might desire?

It is even in this debate admitted (by Mr. ARCHER) that, after all the use of the recent vetoes and the imaginary growth of executive power, the present President is not able to command a single vote here, or in an electoral college, nor over half a dozen in the other House. I concede that the change in the constitution, voting for a person as Vice-president not selected originally as a candidate for President, may have placed in the executive chair one, however amiable, not perhaps of the same weight and extensive popularity as would have been there had the constitution not been altered. I see, also, at the same moment, as another illustration of my subject, that unless, by a happy accident, as in the person before me (Mr. CALHOUN), and one other, who has since adorned the Presidency itself (Mr. Van Buren), the executive power has been weakened since 1804 by that change, and especially its influence in and over this body through its presiding officer. But go to the retired veteran of the hermitage,—a President by nomination as well as election,—a President in mind, experience, courage, constancy, virtue, popularity, greatness of all kinds, and, in some respects, *the noblest Roman of them all.* He had also a double term,—all the immense increase of power which the gentlemen have argued that vetoes confer,—and was surrounded beside with all the halo, so dangerous, as some apprehend, of having been *a military chieftain.*

Yet what was he, with all these adventitious aids? Instead of wielding both the purse and the sword, he could not impose the smallest tax, or use a dollar, but by specific assent and appropriation of Congress. He could not enlist or pay a single soldier or sailor, till Congress furnished both the authority and means. He could not employ or reward a single follower, except as the legislature permitted him. In the height of all his power and influence, he was seldom, if ever, able to command a majority in both branches of Congress for a whole term. And when he retired to private life, as quietly and powerless, after all his vetoes, as the humblest of our constituents, it has been a taunt against him that he cannot, as he could not in the height of his glory and power, control an election even in his own district. I, sir, boast of this, not to give his aged bosom a pang, but to illustrate the purity and independence of my countrymen, and as the strongest evidence of his forbearance and patriotism. It repels, also, this whole fallacy about the increase of executive influence. Yes, it is most true and convincing that, though millions of hearts beat with gratitude to him for his public services, and millions of bayonets are ready to defend his gray hairs from insult and injustice, yet to influence improperly a single election he has neither the power nor inclination. He could not, if he would; and, thank God, he would not, if he could.

It must, therefore, be manifest that the executive without us is a

mere pageant. He is a mock monarch, in whose hands we place the real sceptre or withdraw it, and make it a broken reed, or means of defence for the people and their rights. All the controlling, absorbing, or encroaching powers, are with the legislature. The proximity and intimacy with the people is with Congress, while the President is more removed from them in his intercourse. Numbers are with us, also, being over fifty in one branch, and near two hundred and fifty in the other, to him alone; and he not only one to three hundred, but to seventeen millions of people, more near and more ready, usually, to sustain us against him. We have, too, talents, intelligence, experience, quite an over-match for any one man elsewhere; because we have not only the most intellectual, aspiring, and popular, among the young and middle-aged, but ex-judges, ex-governors, ex-secretaries, ex-vice-presidents, and even ex-presidents themselves, to aid us with their experience and influence.

"It is necessary, then (said one of the signers of the constitution), that the executive magistrate should be the guardian of the people,— even of the lower classes,— against *legislative tyranny*, against the great and wealthy, who, in the course of things, will necessarily compose the legislative body."

Standing in this attitude towards him, it excites pity, no less than regret, that an attempt should be made to rob the single executive of much of that little power and dignity which the struggles and legislative victories of fifty years have left in his possession.

What should we say of him, were he to turn round and urge that some of our powers or checks over him should be removed or lessened? The scorn and indignation which would, in such case, assail him, is another illustration how feeble he already is in influence compared with us.

In fine, sir, the whole fallacy of the argument will be more apparent, if we look nakedly at a few of its assumptions. First, the veto is desired to be changed because executive power has greatly increased, when the facts in our history from all quarters, as well as the nature and tendency of legislative influence in free countries, show the exact reverse.

Next, if the executive has not increased in power separately, it is contended that he has as the great agent and exponent of a party, and therefore that the veto must be taken away. When, if such be the truth, are not the active, influential, and controlling members of party, members of Congress, and closely connected with them? And must not the executive, thus situated, so far from being likely to check our acts too often or improperly, be likely not to check them enough?

Next, if he has, under a high sense of duty, and bursting away from party trammels or legislative influence, ever used the veto against us, is it not right, and the *will of the nation*, of the people, and for the public welfare, that he should thus use it? If it be not, let us have specified the particular instance of any veto which any member of this

body of the political school of 1798 will contend to be wrong; or any one, where the people, in the next election after its use, have not indirectly and constructively approved it.

In every instance they have reëlected the President who has used it; and it is insanity to suppose the power will ever be wilfully abused by one illustrious for public services over the whole Union before he can be elected, and who, without a hope of gain or fame by such an abuse, would suddenly abandon his integrity, forfeit reputation, embitter future life, disgrace his friends, and stain, with a sacrilegious hand, his own and his country's history. In short, one of the distinguished jurists of the age, and, at the same time, a politician acting with the other side of this chamber, has, in the calm of his closet, in a work well known and before me, deliberately stated to posterity his conviction, that if, between the different departments, there has been any increase or encroachment, it has not been on the part of either the executive or the judiciary.

But it may be apprehended that exceptions will occur to all this general reasoning and facts, and then, at times, the country may suffer by a misuse of the present veto. Though this must be almost a case of fancy, considering that the veto power changes nothing, but merely delays, yet there are other constitutional and effective means, already existing, to obviate any evil consequences in such a case, without amending the constitution. First, if two-thirds of both houses are satisfied that the consequences of any particular veto are likely to be injurious, they can and will at once overrule it. If so many are not thus satisfied, the danger is probably not very clear or great. But, whatever it may be, another remedy exists in one year, if at the close of a Congress, or two years at the furthest. Then all of the other House may be changed, and one-third of the Senate, and a new law, like that vetoed, may be passed by a two-thirds majority. If that remedy fails, there is still another. The President himself can be changed, in one year, perhaps, or two, and certainly in four, so as to insure success with the same law, even without a majority of two-thirds. Nor is this mere theory. We have just witnessed a case of this kind as to the executive, effected by what means except and in addition to legislative influence I shall not now stop to examine. A civil revolution in the executive, for the first time in the nineteenth century, by a popular election, has just been accomplished, in favor of the broad construction of the constitution; and the unlimited doctrines of the general welfare, and those monied measures which legislative influence had attempted, but by executive vetoes had been thwarted in accomplishing,— such as United States banks, distributions of the public lands, and unlimited internal improvements,— have all but one been perfected, without changing the constitution, and in despite of former vetoes.

The failure of that one only was in consequence of a lamented event in the hands of Providence alone, and to which allusion has been

already made; but that failure it would be madness to attempt now to remedy, by a rash prostration of all constitutional barriers to passion, indiscretion, or faction.

Nor was this amendment the remedy proposed in 1827, with a view to curtail executive influence. It was then proposed to accomplish that under express laws and other amendments to lessen executive patronage through appointments, &c., and much of which has since been indirectly accomplished,— some by new laws and some without them, — through the mere force of Congressional influence. That can be pushed still further now, as it might then, by legislation only,— reducing salaries, and abolishing unnecessary offices,— if it should be supposed that such a measure is required by the public welfare, or is necessary to check existing abuses in executive favors. Such a course is safe, constitutional, legitimate, and may prove often a great preservative of public liberty.

In that way, the House of Commons, after the revolution in England, brought their new monarch, popular and talented as he really was, to reasonable terms; and this without robbing him of the veto power, or its exercise, when found necessary, or when the same results could not be accomplished by him through other checks and balances more formidable than that. One member boasted "that they had brought the king's nose to the grindstone, and in another session they would make him leap over a stick." But they wisely refrained from prostrating any of the constitutional powers of their executive, as I trust we shall any of our much more feeble and more accountable chief magistrate.

The natural, active, and irresistible influence of the legislature in a free government, and its inroads on executive power, are such, that the latter needs all its clear authority, if not a reïnforcement of it, to prevent gradual encroachment and decay, with ultimate imbecility and ruin. When these come, what follows? What does the history of all free governments demonstrate as to which triumphs, and as to the consequences? Not that the increase of executive power ripens into despotism, but the gradual destruction of it by the legislature; not that the executive pushes forward, but, being overcome, a despotism is afterwards introduced, either by the legislature or the military, to prevent further anarchy, bloodshed, and utter insecurity of property and life. In all cases the legislature first conquered the executive, rather than he them. Was it the executive, or the tribunes with the veto power, who encroached on the legislature, and introduced the tyranny of the Cæsars? No. It was the Senate — the legislature — exciting tumults against those holding the veto power; and, in the rage of disappointment, some of them in person uniting to murder the Gracchi, in order to defeat the use of the veto. Anarchy followed on these legislative encroachments, till usurpation and despotism came in and extirpated every vestige of liberty. Was it the executive that by encroachment destroyed the legislative department in England, in the

seventeenth century, or was it not rather the latter which brought the former to the block; and next, by the help of the army, pushed forward a real military chieftain, in Cromwell, with sword in hand, and purse at command, to absolute dominion? Who encroached in France, and then established an inexorable despotism, in the iron sway of Bonaparte? It was the National Assembly — the legislature — which rode over all checks and balances, and beheaded Louis the Sixteenth.

It was the legislature there that first lessened the veto, though not so far as now proposed by this amendment; who next abolished it entirely; next destroyed both the executive and the peerage; assumed all powers, legislative, executive, and judicial; and finally covered the most beautiful country of Europe with pillage and murder. They hastened to drag youth, loveliness, talent, and virtue, to the guillotine; filled the prisons with gray hairs, and hung at the lamp-posts all that was pure and holy in religion. The bloodiest scenes in romance or tragedy fall far short, in horrors, of the unembellished consequences of those legislative encroachments.

I was not a little struck with astonishment that the course of France, in respect to the veto, was alluded to by the mover as a precedent for us. Such consequences as there ensued it is not possible that he can either intend or anticipate here. But whither does the destruction of one restraint, in government, on human ambition or human passion, tend? To the prostration of all restraints. When the balance is destroyed, and more especially, not by taking merely from one side, but putting into the other, one beam kicks the skies with accelerated speed. Remove one check or guard of the machine, in a steam-engine in full motion, and not only that guard is lost or destroyed, but the whole machine is dashed into ruins. Whatever is, by this amendment, torn from the executive, is not restored to the people or the States, or invested in a separate independent officer, like a tribune; but it is virtually conferred on the legislature, already too powerful and encroaching; — and thus, as was said in the first debates in Congress after the adoption of the constitution, "if you take away the powers from one branch of the government and give them to another, there is an end of liberty."

The great security, as we have already shown, is to divide and check delegated power, rather than concentrate and leave it more unchecked, as this amendment proposes. When divided, patriotism and talent are mutually vigilant and useful in reaching proper results; and if a want of them influence one branch, it is checked and corrected in the other. But if unworthiness and infidelity to duty creep into different branches, instead of being concentrated in one, acting alone and fatally, it is less dangerous, because divided, jealous, or hostile; and interest in one counteracts interest in the other, ambition here defeats ambition there, faction foils faction, and revenge, revenge.

Mr. Jefferson justly said (Notes on Virg., p. 214):

"An elective despotism (a mere legislative power) was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so *divided and balanced*, among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others."

In the volumes near me, sir, are numerous other grave warnings on this subject; but I forbear detaining the Senate.

Unless this division of powers is sacredly preserved, the next victim will be the smaller branch of the legislature, prostrated before the most numerous one. Such was the progress in England, as well as France. Make the present amendment, and the abolition of the Senate, by another, will be, ere long, proposed, on the same fallacious reasoning as this. The Senate will be denounced, as not organized on bare majorities,— as a less equal and less full exponent of the *nation's will;* and because the more immediate and numerous representatives of the people should not be controlled by such a *one man* or fifty man power.

The qualified veto, in a limited executive like ours, is a power conferred by the people,— popular with the people, and formidable only to legislative tyranny. A legislative despotism, unchecked, and in which most or all power is concentrated, is most dangerous, as it gives hundreds of tyrants instead of one, or allows some less scrupulous demagogue, like Robespierre, to become the true *one man power* over the rest, which is always the most fearful and atrocious. That is the real one man power which, half a century ago, talked, in strains since revived, of the will of *the nation* being controlled by *the will of one man.* It was such a one man power that taunted the feeble Louis with defeating *the will of the nation*, but whose colleagues in the legislature, for the preservation of their own lives from the guillotine, and their property from plunder and confiscation, were at last obliged to assassinate him in self-defence.

The constitution here shows how the will of the nation is to be expressed and represented. The constitution allows none of its delegates to violate that will, without furnishing redress in a constitutional mode. The constitution makes one set of its delegates to represent and speak that will, as well as another set; and, for the safety of the people and the States against error in all their delegates, requires, and has a right to require, a concurrent opinion of them all in what they do, or of a majority of them so large as to obviate the probability of wrong. Thus, no one man alone does or can, under the constitution, represent their will, speak their will, or control their will; but all conjoined, or in some other conservative manner prescribed in the instrument. I, for one, am unwilling that this constitution should be changed; and much less so, until the people, or the States, first interfere and require an amendment.

To us, as to their agents and servants, it should be a political Bible. It is wise almost to inspiration. It is the revealed will of the people

and the States to their delegates. It is worthy of a corresponding reverence; and I would almost as soon attempt to amend the Gospel of Jesus, as amend this sacred charter of our liberties.

TARIFF.*

I ASK the indulgence of the Senate to the consideration of a few objections to the general character of this bill, before taking up the amendments in detail. Being one of the Committee on Finance opposed to its passage, I am requested, by several friends near me, to state the grounds of those objections now, as they may throw some light on the propriety of adopting or rejecting many of the amendments. Those grounds are two-fold: first, as to the amount of the tax imposed; and, next, as to the manner of imposing it. The amount proposed to be collected is believed to be unnecessarily large, and the manner of assessing it is so unequal and oppressive as to be equivalent, in many cases, to an odious poll-tax. There can be little doubt concerning either of these positions, if the facts are carefully examined. The sum sought to be raised is the enormous one of thirty-two millions of dollars. This is the gross amount, leaving twenty-seven millions net. It is increased near ten per cent. more to the consumer by the cash duties; and still further by another ten per cent., whenever the imports are in foreign vessels, not entitled to any treaty privileges. The burden on the community will thus, in its mildest form, equal an average of quite two dollars per head to every man, woman, and child, throughout the Union. In those quarters which manufacture least, the tax will be still heavier in proportion; and more especially will it be so in the Atlantic States, where the people consume a larger share than elsewhere of what is imported from abroad. Indeed, sir, the burden is larger than all the other money taxes, State, county, and town, combined; for they all are supposed not to exceed, if they equal, two dollars per head. It is more than double the average expenses of the General Government annually, since its foundation, including even *quasi* French wars, the last war with England, and all

* A speech on the Tariff Bill; delivered in the Senate of the United States, July 20, 1842.

our numerous Indian wars. It does not lessen this burden to call it a *tariff*. The collection of duties from customs is a tax, though under the disguise of "a tariff," as much as a collection of revenue from any other property. Taxation of any kind, and to any extent, is also an evil; — sometimes, I admit, a necessary evil; but still an evil, and instinctively sought to be avoided or lessened by all people, in all ages. It has justly been called the great *censorium* of mankind. Through it, all, more or less, feel; and if unequal, or if too high, it becomes a grievance and an oppression which, in more cases than the tax on tea before our own Revolution, and the tax on salt before the French Revolution, have helped to overwhelm those who imposed it.

This is not theorizing, but a great practical inquiry, coming home to the business and bosoms of all. It is a momentous question, then, whether, in these embarrassed times, and when State taxes are unusually high, we shall collect ten or thirteen millions more than is indispensably necessary; and it is no less momentous, whether we shall collect it so as to burden heaviest what are necessaries, rather than luxuries, and to press most hardly labor and the middling interests, rather than property and the rich.

It is believed, sir, that the true answers to these questions must show that this bill ought not to pass; and if some little time is occupied in attempting to prove it, the chairman's censure for any delay in the final disposal of it will belong to himself and his friends, rather than to this side of the Senate. For why has this bill, — all-important as it is considered, and as it clearly is, — why, after a tedious session of near eight months, and after an extra session before that of almost four months more, has it never reached us for discussion until to-day? Among the matters which the first distinguished chancellor of the exchequer under the new administration (Mr. Clay) placed on our journal (fourteenth page), early in the extra session, was what "*ought first, if not exclusively, to engage the attention of Congress, — the provision of an adequate revenue for the government by the imposition of duties.*" Every day since, sir, you have had triumphant majorities in both Houses. What, then, can be the apology for delaying till this late day a provision which was deemed so important, more than a year ago, as to be regarded a prominent reason for summoning then an extra session of Congress? What is the excuse, in the mean time, for allowing the treasury to become bankrupt? the public laborers and contractors to go for months unpaid? their families to starve, or their claims to be sacrificed, in the money market, to sharks and banks? Instead of now deprecating discussion, why did you not seasonably provide against all these evils, and rescue our national credit from degradation, and adjourn as long ago as last May? That was the day proposed on this side of the House; and it ill becomes any of those to deprecate the loss of time now, in examining a measure of this magnitude, who have so strangely procrastinated it; and who, week after week, — not to say month after month, —

have wasted the session in the consideration of veto resolutions on which no vote has ever been taken, and of resolutions on retrenchment equally left undecided, but almost every one of which, thus far, has been practically and openly violated. But, quitting any topic of party controversy, I think that, if we calmly examine the financial condition of the government, all this enormous twenty-seven millions of revenue will not be found really necessary to meet such expenses as ought to be incurred.

I am aware that the financial budget of the Secretary of the Treasury, at the commencement of the session, called for this amount, so very extravagant for times like these. But was it the reduced amount he and his political friends had before promised? Or was not the promised amount, as put forth imposingly at Hanover court-house, and in the Georgia memorial at the extra session, quite fourteen millions less? Indeed, it was not half what is now called for. The expenses of Mr. Adams' administration (at thirteen millions) were held up over the whole country as a model to which you were to conform. But men of reflection knew full well that such rash pledges were likely to prove fallacious, though a reduction to seventeen or eighteen millions was considered feasible by the past administration, and was in the course of gradual accomplishment by the present year. In this opinion they were justified by precedents, as well as your own views that an amount still lower would be sufficient. Looking to the average expenses in former periods, and making due allowances for peculiarities in some of them, this sum seemed ample; as General Jackson's first term was but fourteen millions, his second and first united but seventeen, and both of them and his successors united but twenty-one millions. Though forced, at first, artificially higher, by the vast mass of near thirty millions of extra appropriations accumulated on the last administration under the impulses of an overflowing treasury, and the costly protraction of the Florida war, equalling quite half of all which was expended in the last contest with England, yet the expenses of that administration, by great efforts in reduction, fell, in the last two years, to twenty-five and twenty-three millions. If the policy thus adopted had since been persevered in, the expenses last year would have been under twenty millions, and the present year not over eighteen. But what have you done, and what are you doing? You complained of their highness when only twenty-five and twenty-three millions, and yet proceeded at once to raise them to twenty-six.

We proposed reduction to eighteen, and were in rapid progress to it, when you declared our steps too slow, though retarding them by voting, in almost every controverted case, for the highest amount. You promised, if power was conferred on you, to reduce them still lower; and yet you propose, by this bill, to collect, in taxes, to defray your expenditures for this and several years to come, quite ten millions yearly more than our limit. Indeed, you wish to raise thirteen millions more than would have been necessary under our policy, retain-

ing the public lands, as we, of course, contemplated. You have thus doubled the taxation that would have been required by us, and more than doubled it beyond the amount you yourselves promised to spend. What is the justification of this? The first lame and impotent excuse offered is, that this sum is all necessary to discharge the debts left by the past administration. What, sir! Want thirteen millions a year more, for this and several years to come, to pay a debt left by the past administration of only five and a half millions? This is extraordinary arithmetic! It would answer, before the extra and present session, to talk, for political effect, of *the forty millions debt* of the past administration. But, since then, the matter has been fully probed; and we have the official report of the present Secretary, showing that debt to have been only five and a half millions. No, sir. The great debt which now exists, except that small sum which was four years in accumulating, is all your own; and yours, too, created in little more than twelve months. The whole authority to borrow, temporarily and permanently, which you have enjoyed to the extent of twenty-seven millions, will probably be exercised at the earliest moment you are able, at any discount, in any stock-market in Europe or America, to higgle away our present broken and dishonored faith. Indeed, the chairman admits that the treasury must otherwise stop payment again, as soon as the appropriation bills now pending shall pass.

Coming and staying here, then, through the dog-days of the extra session, in order, among other things, as tauntingly avowed on your journal, "*to contract a temporary loan to cover the public debt created by the past administration*," you at once proceeded so to lavish appropriations and expenditures, as well as to squander your heritage in the immense patrimony of the public lands, as to have required already, in one brief year, authority to contract, on your own account, four times the amount of our debts; and now, at the heel of another dog-days' session, to require a new tax bill of twenty-seven millions a year, to meet your current engagements.

It is right, I admit, to equalize your expenditures and receipts. But, in periods of distress like this, it can be done rather more wisely by husbanding all your old revenue, and reducing expenses, than by giving away a part of the old revenue, and increasing the expenses; lighting the candle at both ends, and then childishly wondering how it burns so fast; and complaining of the past administration for that, and almost everything else deplorable.

If you yourselves throw away three millions a year from lands,—which that administration and all preceding ones retained,—you stare at your deficiency, and complain of that administration for it. If you vote five or six millions of new appropriations at the extra session, and contemplate making the vast amount (in peace) of twenty-six more at this session, you are surprised at the increasing deficit, and complain of us for that also. If you give away your patrimony, and incur millions of loans at large interest, and run in debt till nobody will trust

you, — while that administration got quickly all it needed, and at four or five per cent., — you wonder at your loss of credit, and again complain of us for it.

The real misfortune, sir, is the magnificent scale on which some of your expenses are graduated, and the want of foresight and practical wisdom in not reducing and postponing others, in a depressed state of business, common, at this moment, to both sides of the Atlantic.

Without entering here into the folly, as well as illegality, of keeping up a distribution of the proceeds of these lands, under present circumstances, and especially after the important proviso last September, to recall them whenever the duties were raised above twenty per cent., let me say, financially, that the question now is, shall we recall them, or, probably, in the end, be obliged, instead of them, to subject the people to a direct tax for the whole three or four millions which they would yield, if properly advertised? At all events, if not taken back, the duties will have to be kept higher, quite to that amount, on tea, coffee, and other necessaries of life. Does it not, then, behoove us, as statesmen, at once to proceed, and first by a recall of the lands, and next by retrenchment, to save the country from this useless additional burden of ten or twelve millions of dollars?

Some may think that it is now too late for effecting much in the way of retrenchment. No, sir. The large army and navy bills are yet pending between the two Houses, on amendments. Though the civil, diplomatic, and Indian bills have passed, and on an increased scale of expense, yet, if you will only conform to the reductions in the others which the House of Representatives recommend, and stay your hands in other pending cases, much may yet be accomplished. That your fortunes, in this respect, may yet in some degree be retrieved, is manifest also from the report of the treasury department yesterday. The expenses, the first half of the year, for ordinary objects, have been only between nine and ten millions. At this rate for the next half, those for the whole year would be only $19,190,052. I concede, sir, that the naval and military expenses in the last half may be a million higher; but not more than that, if the appropriations now pending are cut down as the House proposes, and you refrain from making many more. At the same time, our civil and diplomatic will be a million less, unless our sessions are to be eternal, and we are to add still more to the judiciary, foreign, and other expenses provided for in the general appropriation bill.

Allow me, then, to warn the Senate that, even now, there is opportunity to relieve the country much, if we boldly march up to the task of promised retrenchment, and also recall the lands. The last alone would enable you to reduce this tax bill one ninth. Respect the other House as to their reductions in the navy and military bills by large majorities, as we are urged by the chairman to respect their conduct in passing this bill, though done only by a majority of four. Persist in the policy of deferring harbor and river bills, in these embarrassed

times, as we did, but which you then censured, though now you imitate; persist, too, in omitting to construct any jobbing or speculating light-houses; persist in keeping back large appropriations for forts, till what has been already voted is expended; razee even now,— it is not too late,— razee, as your great leader recommended early in the session, many of your foreign ministers; call on your retrenchment committee — that boasted, yet, I regret to say, dumb committee — to reduce and postpone elsewhere, without delay; — do thus, and I will guarantee that the receipts from customs in the present year, without the passage of this bill at all, will pay the whole current expenses, if you only raise the free articles to twenty per cent., and take back and advertise suitably the public lands.

The actual receipts from customs and lands in the first half of this year, depressed as trade is, corroborate this position. They will be, when all are ascertained, near eighteen millions and a quarter for the whole year. But, in the last half, all the duties accruing will be paid in cash, beside those in the first half placed on credit, and running into the last half for payment. This would make three millions more, if the rate was as high; but, being lower, add only one million on that amount. Half a million more for increase sales of lands, if advertised, and a million more duties imposed the rest of the year on goods now free, and these will constitute an aggregate of $20,766,668. This is enough to pay the nineteen millions of ordinary expenses, and interest on all the loans contracted to redeem treasury notes, or any other purposes.

It must, then, be manifest, without going into further details, that, with promptitude and energy, it is not too late to relieve the people in this manner from at least ten to twelve millions of the taxes proposed in the bill now before the Senate. If we are sincere in desiring to lessen the burdens under which the productive industry of the country staggers, if we wish to alleviate the general distress, can we be justified in an attempt to impose so much more than is indispensable?

In all other countries, when severe embarrassments prevail, do not their governments seek to lessen, rather than increase, the weight of taxation? By such a course of policy here at this crisis, not only would burdens be lightened, but a greater interchange of commodities would relieve agriculture, and invigorate commercial confidence.

Having reviewed your lavish ways to get rid of the public income, I will now advert to your means for providing it. For this is a question of both ways and means. If the Senate do not consider the amount of expenditures objectionable, it is your duty undoubtedly to raise that amount in some proper mode. I am in favor of the firm support of the public service in all its branches. I am for all necessary taxation, however hard it may press upon individuals, if the pressure is equally distributed. The glory of our laws — those imposing taxes, as well as all others — consists in their equal and impartial

justice. I countenance no repudiation, no evasion of obligations, whether public or private. Let those in power do their duty fearlessly. I am anxious to see them redeem the public faith, and resuscitate our drowning, if not drowned, credit.

The country will not tolerate an adjournment of Congress without something efficient being accomplished for this purpose. It is paramount to all mere party considerations, and must not be blinked, dodged, patched up, or in any way shunned. But let this be done without partiality to favored pursuits, and without sectional preferences. Does this bill propose the best mode of accomplishing that desirable end?

The true rate of duty to be imposed on imports of foreign merchandise, looking to all the questions of political economy and public justice connected with that form of taxation, is a question difficult to settle. The rate is sometimes made to depend on the character of the article, whether a luxury or necessary of life; sometimes on the conduct of the nation from which it comes, in respect to the retaliation provoked by her taxation upon our products; sometimes on the burdens, large or small, already laid by ourselves on other property; and again, on the growth and manufacture of similar articles at home, on the pressing wants of the government, or on the unpopularity of collecting taxes from other sources. Nor has the practice of different countries, or of the same at different periods, been very uniform, concerning this rate, for all these purposes combined. But when the object of the duty is merely for revenue, as is here avowed, and as the title of the bill indicates, being "to provide revenue from imports," the result of general experience and of careful reasoning is, that the duty for that purpose alone ought seldom to exceed twenty per cent. I admit that it has often been higher for some of the other purposes before named; but, as a general rule, when revenue alone is the object, the better opinion in most countries certainly is, that twenty per cent., or thereabouts, is the best maximum. If it varies a little, and goes below to fifteen, or above to twenty-five, it may at times make no essential difference.

But this bill, while professing to be formed for purposes of pure fiscal taxation, not only goes above twenty or twenty-five in numerous instances, but, in several, above one hundred. Indeed, its whole duties are, on an average, near thirty-six per cent, and some calculate them at quite thirty-nine. It therefore becomes important to ascertain whether this large excess of sixteen or nineteen per cent. on an average, for revenue alone, is not improper on general principles, as well as inadmissible under some leading circumstances connected with the peculiar position of the General Government, as to taxation and the compromise. If I shall be successful in showing this, the bill should undergo a material change in its whole structure, and a reduction be made in its rates of duties to the proper standard. But, if not successful, or if these rates are found to be imposed so high for pro-

tection, and not revenue, it will become necessary to inquire whether the right exists in this government to raise duties high for protection alone; and if it does, whether they are here assessed in such an amount, and in such a manner, in respect to all the great interests of society entitled to equal protection, as alone can justify the passage of the bill, as a measure of equal protection, of equal legislation, and of equal taxation, on the whole people.

One of the strongest proofs that a duty equivalent to about twenty per cent. is high enough for the purpose of revenue, is the practice of most nations in not exceeding such a rate for that purpose. Thus, the tax on imported corn, at Athens, was limited to one-fifth, or exactly twenty per cent.; and the early tariffs in England, for revenue, seldom, if ever, exceeded twenty, and were often but five per cent. When they began to exceed it (as they have done, in more modern times, for the purposes of retaliation or protection, though before 1787 no higher than twenty-seven per cent., even for those purposes), they have proved to be so disadvantageous for revenue, as to lead often to a much lower duty, when imposed for revenue alone, as is the case on colonial products. Indeed, the conviction has become so strong there, with all parties, that for revenue alone twenty per cent. is sufficiently high, that the plan proposed by the present ministry is, to impose on all materials for manufactures a duty not over five per cent., and, in many instances, lower, or free; next, on articles partly manufactured, not over twelve per cent.; and on manufactures themselves, not over twenty per cent. In cases of imports from their colonies, there is to be a differential duty, often more moderate than this.

Lord John Russell (the organ of the preceding ministry) entertained similar views; and the most enlightened there seem now to concur with the committee on imports, that "it is obvious that high protective duties check importation, and, consequently, are unproductive to the revenue; and experience shows that the profit to the trader, the benefit to the consumer, and the fiscal interests of the country, are all sacrificed, when heavy import duties impede the interchange of commodities with other nations."

As an indication of the present feeling on this subject, allow me to read a sentence, which came by the very last packet:

"The intelligence from the continent is of little interest, if we except the publication of a royal ordinance in France, imposing an ad valorem duty of twenty per cent. on all linen yarn imported into the kingdom. As may be expected, such a *revolutionary* measure has produced great stir with English manufacturers; but it is expected the French government will submit to an amelioration."

In truth, the average duties in France do not, for some time, appear to have exceeded seventeen or eighteen per cent. for revenue; which is one ground of the surprise at twenty per cent. on linen yarn, and is another decisive evidence that such a rate is now regarded there, as well as in England, sufficiently high for all fiscal purposes. In sev-

eral of the other countries of Europe, where duties are higher, it is avowedly for retaliation or protection. It was long the boast and glory of Holland and Switzerland that their duties were only twelve and fifteen per cent.; and, probably, for revenue, scarce an instance now exists in the latter country of their being as high as twenty per cent.

In Cuba,—that most prosperous island in both commerce and agriculture, and whose exports and imports per head of her population are near four times the amount of ours, and three times the amount in England,—the duties are often less than twenty, and seldom exceed twenty-five per cent.

But in our own records we have illustration, equally convincing, that such a standard is high enough for all fiscal purposes. During the Revolution, and till the new constitution was adopted, Hamilton says (in No. 35 of the Federalist) that three per cent. was the highest rate. He did not propose, under the new government, to go beyond nine, in ordinary cases. He thought spirits, as a luxury, might bear a tax of one shilling per gallon, which was about twelve per cent.; and if it diminished the revenue, because so high, as was apprehended, the gain to the public morals, by discouraging the use of so bad a luxury, might prove an equivalent.

Accordingly, when the constitution went into operation, the first tariff did not rise above twelve and a half per cent., except in a single instance approaching nearly fifteen. It is difficult, after this lapse of time, in cases in which the duties were specific, to reduce them, with exactness, to a true ad valorem standard. But no comparisons can be made which are of any utility, either in our own country at different periods, or between our own and foreign nations, without being at the labor to do this in the most important articles.

I have, therefore, attempted it myself, in such cases, generally, though adopting a few from one of the Committee on Manufactures, in the other House; and having made the official values on which the duties were actually assessed the basis of my computations, rather than newspaper price-currents, or merchants' books, it will not be a matter of surprise if some difference should exist. But mine, beside being in this way most conformable to law, will, in any event, answer for the general purpose of comparative examination.

The first tariff of 1789, even if made higher, in some respects, for protection (as some have contended, but which is very questionable), placed most of its duties as low as five and ten per cent. As it was altered, from time to time, till the war of 1812, scarce an instance can be found where it ranged above twenty. It remained, in most particulars, as low as ten and fifteen per cent.; and where, as in the case of spirits and salt, it had gone higher, the whole duty on the last became repealed in 1807, and on the former the object was rather to discountenance a baneful luxury than collect greater revenue.

Here is a table for comparison of the whole of those tariffs. Passing

by the doubling of the duties during the war, it is true that the next tariffs of 1816, 1824, and 1828, exceeded, in many cases, the rate of twenty per cent.; but all of these did it avowedly for protection rather than revenue. The chairman not only admits this as to the two last, but argues strongly to prove it. In the ardent pursuit of that protection (urged on Congress almost exclusively by and for one class of the community), the oppression became so great to some other classes and sections, and the benefits of such high duties became so questionable, even for protection, that, in 1833, the whole system was abandoned, and the duties gradually reduced, so as by law, where not free, to range, by the present year, no higher than the very revenue standard, for which I am now contending.

This circumstance furnishes another striking argument in support of a limitation to that rate. It was agreed on deliberately by the highest representatives of all our great interests. It was moulded into a form to remain, in that particular, perpetual, unless in some great exigency.

It was to operate gradually, so as not, by sudden changes, to derange capital or revenue. It was a great pacificator of sectional and fraternal troubles; and it has ever since been called and eulogized as a sacred compromise of former difficulties. Mr. Clay pledged himself originally to abide by it, not only while above twenty per cent.,—as then most beneficial to his friends,—but after it had reached twenty, and had begun to benefit most of his opponents. This pledge he renewed at Hanover court-house, as late as 1840; and General Harrison, also, in his Zanesville letter, deliberately avowed, as to the compromise, that he never would agree "*to its being altered or repealed.*" The compromise, then, consecrates this rate as a general guide. But what do we hear now? That we were obliged to go down, in conformity to the compromise, but not to stay down, in conformity to it.

If there was any glory—and much is claimed—for making that critical adjustment, can there be any in breaking it? If there was any propriety in reducing the rate to twenty per cent., is there not as much in keeping it there? If there was any sound principle in the arrangement, as well as in the contest, can it be satisfied with the child's play of running gradually down the scale to twenty per cent., and then running up again, at a single leap, to fifty, sixty, and one hundred per cent.? Whether, in a great exigency, it might be proper to go above twenty per cent., for purposes of revenue alone, can be settled when that exigency arrives; and when it is made to appear that more can probably be collected by a higher rate, and that none of it is asked for protection, or in consequence of having given the lands away, or unnecessarily swollen our expenses. But, to attempt it under any other circumstances, is, in my opinion, most unjustifiable.

Again: by going above twenty per cent., in the manner now proposed, you violate another compromise, made in the distribution act,

last September. It was there solemnly stipulated, that if any exigency should arise to require a higher rate of duty than twenty per cent., the proceeds of the lands should return to the treasury, and thus help to reduce the tariff again nearer the former standard. One provision in this bill goes directly to the violation of that stipulation; and thus, in that particular, it seems to stand out to the world, in bold relief, as utterly faithless. It is at war with the professed object of the bill, which is to raise and not give away revenue; and being, virtually, a new distribution, in new terms, and under new circumstances, ought not to remain in, and thus endanger its success, but be legislated on separately, if at all.

Another vital consideration for adhering to a rate of duty on imports not much above twenty per cent. is, that if you go higher, whether horizontally or by discrimination, an instant temptation is held out, as now, to give away other revenue (like the lands), and resist retrenchment in expenses, as well as make large additions to them, in order to create an occasion to raise the tariff higher, and thus to obtain, directly or indirectly, more protection. It is therefore essential, with a view to secure economy in husbanding means, as well as in reducing expenses, that so powerful a motive to the contrary as this should not for a moment longer be allowed to exist.

It will be seen that, in this view, a low tariff tends to produce economy; a high one, extravagance. A low one is, likewise, democratic; a high one, anti-democratic. And the very highest which has ever occurred before in this country was imposed in 1828, under an administration the most anti-democratic which has before existed here since 1798.

The bill, by going for such high rates, is wrong in another view; and that one which has great influence in all countries, in limiting the tax on imports for mere revenue to something not much above twenty per cent. It is, that a tax of this rate, on this kind of personal property, is quite the fair proportion to be paid on it towards the public burdens, compared with the taxes on other property. Thus, though direct taxes might show to the people more distinctly the extent of their expenses, and the burdens thereby devolved on them, yet, in the present relations between the States and the General Government, I am not the advocate of direct taxes. The education, habits, and prejudices of our people, are more favorable to a tariff on foreign imports, to support the General Government, whenever enough can fairly be raised from that source. The propriety of such a course is strengthened by the fact that most of the State taxes are direct; and that the burdens of the General Government should, therefore, as far as practicable, without inequality and injustice, be flung upon different sources of revenue,— such as a tariff. Hence, in that sense, and to that extent, I am "*a tariff man.*" I am in favor of such a tariff as was agreed on in the compromise act, and such a tariff as prevailed from the adoption of the constitution till the last war with England.

But collecting by such a tariff all which duties of twenty per cent. will yield, and husbanding the proceeds of the public lands, if more revenue should be still needed to meet an economical administration of the government (which I do not believe is the case now), I contend that impartiality and equal justice among the different classes of people and kinds of property in society require that the balance should be obtained from some other source.

To illustrate this by figures: Suppose a tax of twenty per cent. was laid on all property in this country equally. If valuing that property, as many do, at $4,000,000,000, it would amount to an aggregate tax of $800,000,000. But the whole aggregate of taxes now collected in money in the United States, including twenty per cent. on imports, does not probably exceed $60,000,000. This, it will be seen, is not one-tenth what it would be, if all other property were taxed as high as twenty per cent. on imports. Yet, in the face of this, you propose to lay still more on imports, by nearly double. Another evidence of this great disproportion is, that the tax on imports would not be two per cent., if it was in the ratio of the value of our imports to the value of all other property.

I am aware that much of the property in society should be taxed according to its income, rather than its value; but, taking that guide, the inequality with which imports are treated would still be very striking.

Again: it was computed by Hamilton, in 1787, that the tax on imports should equal not more than one-third of all other taxation in the United States. As the General Government might, therefore, in case of war, or other calamities, require more revenue than one-third, and more than a just tax on imports would yield, he argued strenuously that it should also have authority to tax land, and impose excises of any kind, in order to procure the residue. Yet you, by this bill, propose to collect, from imports alone, half the whole monied taxes of the country. The gross amount is to be near two dollars per head, on an average, when less than that amount is paid in most of the States in money on all other property, and including, in some, a tax on polls beside.

Experience, here and elsewhere, has evinced strongly the correctness of these views. During the Revolution, among the highest rates of duty on imports was three per cent.; and the rest of the taxes were imposed on other property. So, in the first ten years of the present government, with interest on a large debt, beside current expenses to be paid, not over twenty per cent., on an average, was imposed on imports, and the rest collected in various ways from other property. So, during the late war, a large portion of the revenue was derived from other taxes than those on imports.

France attempts to raise only about one-seventh of her revenue from customs. England finds a deficiency, after all her attempts to collect the large proportion of about half her revenue from imports; and Sir

Robert Peel at last admits that the further amount ought to be procured, in justice and equality, from other sources. He says, in short, "that the burden should fall on the property of the country,—not upon those who are chiefly occupied in its productive industry." This discloses another reason, and a potent one, why a higher rate of taxation on imports than twenty per cent. is unjust. It falls almost exclusively on "*those who are chiefly occupied in the productive industry of the country.*" It is as heavy a burden to the laborer and farmer, in many cases, as to the large capitalist; as the former consume nearly an equal quantity with the last of many articles most highly taxed,—such as salt, sugar, molasses, cottons, woollens and iron. It thus operates with all the inequality and injustice of a large poll-tax, and is, on that account, equally objectionable.

But another strong admonition against raising duties much above twenty per cent. is, that, in doing so, you are by no means sure of obtaining much more revenue.

I admit, readily, that you may thus obtain more protection, and more retaliation, if seeking either of these; but if seeking only more revenue (as is here pretended), your success will be at least questionable. At the same time, it is certain that, by going very high, you will deprive the people, by higher prices, of the ability to enjoy some comforts and necessaries which a more moderate tariff would not prevent; or will demoralize many of them, by thus holding out additional temptations to violate the laws by smuggling.

The first reason why you are not likely to obtain a much larger aggregate of revenue under duties much above this rate is, that when so high, the amount is of sufficient importance, in most cases, to raise the price of the article. Hence, the consumer having only the same means as before, cannot purchase so much of it, and less is imported.

The next reason is, that, when the duty is high, and sometimes before it reaches twenty per cent., the temptation (and, indeed, bounty) for smuggling is so great, that, on this account, less of what is imported pays any duty, and the revenue is thereby lessened. That high duties, as a general rule, increase the price of the article, and fall chiefly on the consumer, and thus diminish both consumption and revenue, is the general doctrine, not only of McCulloch and other writers abroad, but of the parliamentary committee on imports, as well as most experienced and scientific writers. Speaking of *high and protective duties*, they say: "These impose on the consumer a tax equal to the amount of the duties levied on the foreign article," and "check importation, and, consequently, are unproductive to the revenue." Hamilton maintained a similar notion. But I concede that, when the duty is prohibitory (which, in many articles, is the case at little more than twenty per cent.), the price, at times, is regulated by the competition at home among the manufacturers of similar goods; and, also, that in a great glut and depression of the market, the holders of goods are occasionally obliged to sell under first cost. But these are merely

exceptions to general principles, as is a fall of prices, which sometimes takes place after a duty is imposed, as well as in the case of a free article. This often happens from some improvement in the manufacture, or some new invention of labor-saving machinery. But it is ridiculous to pretend that, in such cases, the fall is in consequence of the duty; and, as one has gravely calculated in the other House, sometimes equals "*fifty, or a hundred, or even four hundred per cent.*" These last must be rather of a paradoxical character. Causes enough for all the reductions in price which occur in most of our imports will be found, independent of any mystery about the duties, when we call to mind the remarkable fact, that the changeable declared real value of British exports has, since 1819, in consequence of useful improvements and inventions, as well as a sounder currency and more general peace, gradually fallen from an equality with the permanent official value, till it is now only one-half of that. Again: if the manufacturers did not believe that the article rose in price as taxed higher, why do they wish it to be so taxed? So doing cannot aid them, unless it raises the price. If, on the contrary, the actual operation of a high duty be to lower prices, why do not the manufacturers desire the duty to be lessened on rival fabrics from abroad,— as that, on their reasoning, would increase their prices?

Why is it, also, that the duty on raw materials imported from abroad is not asked to be raised, instead of removed; and the duty to be increased, rather than refunded, on railroad iron, if it makes the price lower? So through the whole system of drawbacks, and likewise of smaller differential duties in favor of colonies. This point, then, being established, that an increase of duty generally increases the price of the article, it seems to follow inevitably, that so much of it cannot be imported and consumed, and as much revenue received on it, as if the duty were less. Yet a *naïveté*, and almost simplicity, seems to have been exhibited by all the financiers on the other side, from the Secretary downwards, in calculating that the same amount of imports is likely to take place, and be entered at the custom-house, when the duty on them is, in various instances, from fifty to one hundred and twenty per cent., and in all at least thirty-six per cent. on an average, as if no duty exceeded twenty. In England they have just experienced a new illustration of what is often to be expected on this subject. An addition of five per cent. was made on certain customs and the excise, but which, in fact yielded only half of one per cent. additional revenue, instead of five, as anticipated. More may, at times, be obtained by duties above twenty per cent., where the present duty is very low, and the article taxed highly is a great necessary, and no substitute can be procured, and ample means exist to pay for it; but, otherwise, the attempt is either a financial lottery, or a mere bubble.

Many gentlemen seem, likewise, to have overlooked the probability that an increased duty will, in such distressed times as these, operate

more unfavorably than usual against large imports. The pecuniary embarrassments of the country, under a contracted currency, and revulsions arising from that and immense speculations, are unprecedented. The State taxes, in many cases, are also higher than usual; its credit abroad, to procure goods, never worse; its new bankrupt law so sweeping and ruinous in character as to weaken much ordinary confidence in business, and the prices of its great staple exports, which furnish the means of purchasing, are low, from the absence of wars, and the abundance of productive laborers in Europe, as well as America. No new State or corporate loans are to come home in goods; and the duties are hereafter to be paid in advance, in cash. In such a condition of things, it would be rather sanguine to expect as large imports, even on low duties. But, if an addition is made of near twenty per cent. more, the consumer must, on that account alone, dispense with every sixth bushel of salt, or sixth pound of sugar or tea, he now consumes. The entire duty is thus lost on the sixth bushel or pound not imported and not consumed; and, if no evasions of the law exist, the government has got no more gross revenue, and has lost all the extra expense of collecting and guarding the customs, when high. But wherever a bushel or pound of any article is smuggled under the high duty, which would not have been under a lower duty, the gross as well as the net revenue is to that extent lessened, beside all the immorality thus introduced. All extremes naturally reäct, and defeat the object intended; and in nothing is this more conspicuous than in high taxation on imports.

It seems, also, to have been forgotten that, as our manufactures have become improved, a duty less high is more prohibitory and injurious to the revenue; and that many articles are now made here, all of which were formerly imported. It is true that we have obtained an immense sum from customs since 1789 — nearly $732,000,000, according to the chairman's calculation; and he would seem to infer from this, that we can hereafter obtain from that source, with ease, twenty-seven or twenty-eight millions of dollars a year. But did it never occur to him to divide that great aggregate by the number of years it was accumulating, and to see that it has been yearly only $14,000,000, or about half what he now expects? In times like these, it will prove no easy matter to obtain quite thirteen millions annually above the average heretofore.

Smuggling on our many thousand miles of frontier sea-board and inland — not separated from all other nations by an Atlantic Ocean, as has been stated, but often by a mere river, or log fence — will multiply the difficulties in realizing an increase of revenue under such high duties. It does not answer to talk of an escape from such consequences, when the scenes near Castine and the Canadian frontier, before and during the late war, are recalled to memory; and when we know, in the example of other nations, that even royalty has indulged freely in the use of whiskey "*which never saw the face of a gauger*,"

and ladies of the court have often deemed it fashionable to wear smuggled gloves and laces. In fact, more than half the silks now exported from France to England are ascertained to get into the latter kingdom without paying the duty — so comparatively low — of only thirty per cent. The custom-house force in France amounts to several thousands; and in Spain a constant warfare, even of force, under her high duties, is obliged to be waged against the brigand violators of such injudicious laws.

All these circumstances combine to show that making duties high, when seeking revenue alone, is, as a general rule, injudicious and suicidal. This position is strengthened by analogy in the fact, that often, when duties are high, you increase the revenue by lowering them. Hence, Lord John Russell observes:

"But, upon a careful view of our commercial imposts, we came to the conclusion that, by removing prohibitions and lessening restrictions, it was possible to replenish the treasury, and at the same time to secure to the working classes a greater command of the necessaries of life at steady and moderate prices."

Without detaining the Senate by specifying numerous successful experiments of this kind, I would recall to your memories that, in England, about half a century ago, the revenue was increased nearly two millions and a half of dollars, by reducing the duty on spirits nearly fifty per cent. And by a reduction of the duty on coffee there from one shilling and sixpence per pound to only sixpence, the aggregate revenue from it was trebled. A large increase of revenue is also anticipated there from a reduction of the duty on sugar; and one has actually occurred by such a course in Austria.

The effect of such a reduction here to increase imports and consumption is strikingly illustrated by an official document of this session, now before me. It shows that, while the duty on sugar here was high, — from 1828 to 1834, — we imported and consumed only about eighty-five million pounds of the foreign product more than we did in the same number of years previous; but when the duty was lower and falling, during the last seven years, — from 1835 to 1841, — we consumed of foreign sugar nearly the vast increase of four hundred and fifty-five million pounds more than from 1828 to 1834. Yet this bill, professedly for revenue alone, proposes gravely to return to a higher rate.

What more flagrant folly can there be than that which pervades the whole system, by attempting to realize the largest revenue from imports by a series of duties so high and prohibitory as greatly to reduce imports? It can be equalled only by that which, when embarrassed for more revenue, hastens to give away a large source of what we already possess, in the proceeds of the public lands; or that which imposes higher taxes and tolls on foreign commerce, and yet expects, even in most calamitous times, that just as much will be carried and recarried.

Our experience, in another respect, seems very strong against the likelihood that this enormous amount of twenty-seven millions is very certainly to be collected from imports by the proposed duties. The average collections yearly since 1789, as before stated, under tariffs at times very high, have not been much beyond half this twenty-seven millions; and each year in the table before me separately shows that it was only on two very peculiar and extraordinary occasions, of two years each, that the amount has ever equalled twenty-five millions. One of those periods was in 1815 and 1816, after the privations of a three years' war, and augmented also by speculations, which were felt subsequently in sad revulsions; and the other was in 1832 and 1833, when the importations were swollen by bringing home over ten millions a year of State loans, principally in foreign commodities for consumption.

But certain delusions can never be cured but by experiments; and in this case, as in many others, we shall probably be obliged to witness that it is only the *burnt* child that dreads the fire.

Dwelling no longer on these considerations, is the frame of the bill, in other respects, just to the different great interests in society? Is it well adapted to *raise revenue* merely, and answer the purposes of honest financial taxation? In other words, — if my views are erroneous, and twenty per cent. be too low a limit for duties on imports, and no compromise prevents an increase, and more revenue must be had from some source, and is likely to be obtained by exceeding that limit, — has the present bill gone so much higher, in a form which is best suited to add to the revenue, and to render this kind of taxation equal? My impression is, that duties, when imposed for revenue alone, should, in general, be graduated on a scale nearly horizontal. Such has often been the usage. Such was the course contemplated by the great compromise in 1833; and such is the tendency of many of the changes now going on in Europe. Exceptions can properly be made below the maximum duty, when, as with some luxuries easily smuggled, more revenue could probably be procured on a lower rate, while some others, not so easily smuggled, will at times yield more revenue on a higher rate. But the test of every exception usually is the increase of duty likely to accrue by it. Beside this, a horizontal standard holds out greater security for equal justice in the whole taxes. Articles used more in one section of the country than in others cannot, by that, be taxed highest from prejudices against that section; nor others used most by one class in society be taxed highest from prejudices against that class. One great avenue is thus closed against partiality and oppression, and another against undue favor, by taxing too lightly the most powerful regions, occupations, and classes.

As our constitution and laws are founded on what is equal, or, in other words, horizontal, respecting the rights and privileges of all, the system of taxation on imports should correspond. In the States, such

is the principle which, with slight exceptions, pervades the taxation of lands, furniture, stock, &c., — chiefly in proportion to value, and the rate being horizontal on the same value. One of the great solaces under injudicious legislation, and one of the preventives to it, is the conviction that, in a free and just system, it must bear as hardly on those who make the laws as on others. But, in the case of discriminating duties, to accomplish other objects than revenue, this conviction is destroyed. Taxation may be then, and often is, lightened to the law-makers, or to their influential constituents, and made more burdensome to others. It is this which always surrounds a discriminating duty with danger.

Again: scrutinize the following case of four articles, made, for other purposes than revenue, to pay different rates, — one thirty, one fifty, one eighty, and one one hundred per cent. Now, if the quantity of imports of any of them be not affected by the discrimination, the amount of revenue will, to be sure, be the same as if a duty of sixty-five per cent. was laid on each. But the design is to protect the articles taxed highest; and hence their price will rise most, and thus many of them not be imported, or more of them smuggled. In that way much revenue will be lost, and that on the very articles which, to all appearance, will yield the most.

In the next place, if the poor consume the articles, being necessaries, on which eighty or one hundred per cent. is imposed, and do it as much or more than the rich, then the tax falls on them disproportionately to their property or means. If the two articles paying eighty and one hundred per cent. are also manufactured here, the poor pay, thereby, an increased double tax, by the higher price of all the domestic articles they use, without any indemnity, such as the rich capitalist obtains who owns the manufactory. A horizontal tariff is, therefore, less open to favoritism and injustice, and more in symmetry with our equal system of government. But this bill, instead of that, discriminates, in several cases, over one hundred, and in many over thirty per cent. A paramount defect in the general structure of this bill is, therefore, the great and unequal burden which it imposes on the less wealthy classes.

Suppose, as some have, that the average tax is thirty-nine per cent., and that the consumer, in consequence of the duties being in cash, has to pay ten more; then, in all cases, the burden falling on him will be near fifty per cent. If goods are imported in foreign vessels not entering under any reciprocal treaty (and some of the present party in power propose to put an end to all such treaties and arrangements), the burden will equal nearly sixty per cent. But considering it only at fifty, how oppressive must it be to make the laborer, mechanic, and farmer, pay as much for one bushel of salt, one pound of sugar, or even one yard of cotton or woollen cloth, as he would, without any duty, pay for two! You deprive those classes, in this way, of half their earnings, when expended for such articles.

This is clearly too high; and, at the same time, it is disproportionate among classes, as well as different kinds of property. These characteristics are what made the poll-tax so oppressive which led to Wat Tyler's rebellion. Thus, in England, lately, it has been computed that a small householder pays, for himself and family, nearly half his earnings in taxes of some kind or other, while the great landlord or banker pays not one-tenth of his. So the small farmer here, and especially in the Atlantic States, with ten in his family, pays, as some compute, over fifty dollars yearly, under a tariff like this; while the great capitalist, with twenty times as much property and income, will pay little or nothing more under it than he.

This is another practical illustration of the unequal operation of this kind of taxation, when pushed, for any cause, too high. How wisely, under the sufferings of the poor and humble in life which flow from heavy taxes on them, did the sagacious heroine, Joan of Arc, in the height of her glory, ask, as the greatest favor from the monarch of France to those she loved most, that the people of her native village might thereafter be exempt from taxation! The blessed boon was granted, and held sacred for centuries; while all now asked, in this bill, for the people, or any part of them, is not exemption from their due share of taxes, not exclusive privileges, but merely the sacred right, the inestimable, holy right, of being exempt from unequal and unjust taxation.

To show that these objections to the character and frame of the bill are not declamation, nor loose generalities for political effect, let me ask your attention a few moments to some tabular details.

Thus, the first statement before me exhibits the different rates of duty, on an average, under all our previous tariffs. From this it appears that the average is higher by this bill than by any others, except that of 1828; and that the burden which falls on the consumer, through its rate of duty and cash payments, is greater than ever fell on him before, since the government began. In this way, it quite equals forty-six to forty-nine per cent.; while the tariff of 1828 — the duty being the only burden — did not exceed forty-five per cent. Under the act of 1824, which the chairman admits was made so high for protection, and not revenue, the average was only about thirty-five per cent.; and under that of 1816, not quite thirty. Of the different tariffs previous to the war,—made, as we say, for revenue alone,—the average of that from 1800 to 1808 was only twenty per cent.; and of those from 1789 to 1792, and thence to 1800, only twelve and a half, and then fifteen, and then twenty per cent. So that, if the acts of 1824 and 1828 were made so high, and in so discriminating a form, not for revenue, — as more revenue was not then wanted, — but for protection alone to manufacturers, who did want it, who loaded your tables with memorials for it, who thundered at your doors till they obtained it,— then is this bill, in its form and tendency, a measure for protection. For it is exactly like those in its discriminations, like

them in its effects, and (whatever it may be called, to varnish over the real object) it is like them in substance. Revenue, to be sure, is now wanted; but this bill is not in a form to give most revenue, being so high in the average, as well as in numerous particulars, as to prevent importations so large as with lower duties. The measure was also thrown into its present protective form by a protective Secretary, protective Committees on Manufactures, as well as Ways and Means, and, as in 1828, at the urgent supplications of the friends of high protection to manufactures, as well as of the manufacturers themselves.

On this subject, legislation is often pushed to an extreme, — sometimes from self-interest, and the ability among manufacturers to combine more readily than farmers, and, by active importunity, to influence more the legislation of Congress. The grasshoppers under the tree, says Burke, keep up much more excitement and noise than the oxen. Sometimes, too, there is, doubtless, an honest belief that a tariff, instead of being (like all other taxes) a burden, is a blessing. That is one of the notable discoveries of certain modern sages among us. But a tariff cannot possibly be a general blessing, when equally burdening all; but very possibly a blessing to the manufacturers alone, when unequal, and they reap the benefit of the tax at the cost of others. With them, it is regarded, therefore, as a *sovereign remedy* for all political bruises, a panacea for every social derangement in the body politic.

Particular items, as strongly as the origin, resemblances, and high average rate of duty, indicate the protective, rather than the financial character of this bill. Here, sir, is a list of sixteen prominent articles, whose duty, when reduced to an *ad valorem* scale, ranges from fifty to one hundred and fifty per cent.; and here is another list of seven articles, six of which are above twenty-five per cent., and all above twenty. So are numerous others in the bill, which I have not taken the trouble to compute and exhibit.

The value abroad, with the charges, are by law the basis on which duties are now assessed.

By this mode, according to the custom-house books for 1840 (and prices, generally, are still lower now), the Secretary himself shows, in document 209, House of Representatives, at this session, that the proposed duty on one kind of cordage would yield over one hundred and fifty per cent., and on black pepper an equal rate; and so downward, after due allowance, with various other articles, as set forth in the table.

Can there be a pretence that any of these, except a few, considered by some as luxuries, have been raised so high for revenue, when, with those exceptions, all made so high are articles of which there are rival manufacturers in this country, and where many other important articles, of which no rival manufacturers exist here, are not raised high?

If the high duties are imposed on the first to obtain more revenue on them, why is it not placed on the others for the same purpose? The only honest answer must be, that the right to discriminate in

this revenue is believed to exist, and that it is proper to exercise it in such an unequal manner for the protection of the manufacturers concerned.

If the bill of 1828 did that, for such a purpose, as has been repeatedly admitted, this twin-sister does it in various respects. If that had its minimums solely for protection, so has this. This, too, beside being, as before shown, equally high in its average burdens, is equally high in many of its discriminations; and higher in some,—such as cordage and cotton bagging, when we advert to the lower price of the articles now,—higher in carpeting and coal and some kinds of glass; in blankets, wares, cutlery and steel; higher in both sugars and silks, when the diminished value is regarded; and, without specifying several more, it is seven and a half per cent. higher in the large class of articles not enumerated.

If it be lower in a few instances, it is, as a general rule, either nominally so,—the specific duty being less on the article, because the latter is now proportionably less in value, as in the case of molasses,—or it is really so in articles not produced here, like tea or coffee; and hence no higher duty was desired by the manufacturers for protection. Thus, whether it goes higher or lower in reality, it is still carefully so with a view to aid manufactures in all the material changes,—making some immaterial ones as to agriculture and commerce, to keep up appearances, without much beneficial addition thereby, either to their protection or the real income of the treasury. I concede that the naked political power thus to discriminate may exist; but it is not within the spirit of the constitution—not, as before shown, advantageous for revenue—to exercise it in this way; nor just to most of the consumers, so unequally taxed without an equivalent, like the manufactures; nor is it true to the letter or spirit of the compromise, nor useful even to sound manufacturers themselves, much less to all the interests of society combined. I say this from no hostility to taxation for the economical support of government, but from hostility to excessive taxation — unnecessary and unequal taxation. Nor am I unfriendly to due protection to manufactures, or any other useful occupation; but unfriendly to partial protection,— to the protection which favors one, and neglects or oppresses another,—and, as in this case, favors manufactures, at the expense and injury of agriculture and commerce. It is no extenuation for this injustice to allege, as is often done, that the prosperity of one class in society redounds to the benefit of all; because that never happens when one class is made prosperous by the undue taxation or plunder of other classes. No taxation, unless unequal, can ever be advantageous to the pecuniary interests of any of the tax-payers; and if it becomes so then, it is advantageous only to those directly burdened least, and indirectly remunerated most. Who can believe that, if this last were not the consequence to the manufacturers from a tariff like this, it would be invoked, even by them, as a blessing, and not, rather, be deprecated by all as an

evil, and prevented, as far as is practicable, consistent with the support of public credit and the ordinary operations of government? But for this inequality, would not others, as much as they, desire it to pass? Are they not as patriotic to grant suitable revenues, and as intelligent concerning what promotes their own interests, as are the manufacturers? Nor can there be anything in the pretence that the farmer and merchant are, in this bill, assisted by direct protection to half the extent of the manufacturers. If, by some mysterious process, it confers equal benefits on them by indirect protection, why not reverse the rule, and give to them, the most numerous, the largest direct protection, and to manufacturers the indirect, so much eulogized? But, so far from this, every class is sagacious enough to know, like the Scotchman as to his red herring, that if there is to be direct protection at all, he had better get it than his neighbor. If, as some pretend, the former protective tariffs, as well as this, bestow direct protection on all, like the promises of Tittlebat Titmouse to do everything for everybody, I would respectfully ask what benefit that kind of a tariff could have been to any of them, except to cause a loss of the whole expense of administering it? If A, the manufacturer, is protected by a tax of five dollars on B, the farmer, and another five on C, the merchant, and B is also protected by a tax of five on A and another five on C, and C by a tax of five on B and another five on A, will gentlemen inform me how much more prosperous and wealthy either of them has become by the transaction? The farmer, in particular, has not considered himself well used in this system of protection heretofore. Allow me to read, on this, a few resolutions, said to have passed at a meeting of that class of persons in Massachusetts; and though they are not a discontented, annoying, petitioning race, they sometimes resolve very firmly, and execute quite as sternly at the ballot-boxes.

"Whereas the general happiness and prosperity of the United States must ever be intimately connected with the condition of our agriculture: and whereas three-fourths of our whole rapidly increasing population must and ever will depend on the products and profits of the farmer, for the supply of their physical wants, and the means of moral, religious, and intellectual improvement:

"And whereas Congress has given bounties on the fisheries, to make them a nursery of seamen, and has given none on agriculture, which is the best nursery of freemen; has appropriated millions annually to protect commerce, and has given nothing to encourage agriculture, the basis of commerce; has protected manufactures with a heavy tariff, and left agriculture, which consumes their fabrics, to protect herself:

"*Resolved*, That it is the duty of the General Government not to extend protection and encouragement to manufactures and commerce, unless she adopts a like policy towards the great agricultural interests of the country.

"*Resolved*, That the protective system, as at present established, is manifestly unjust to the agriculturists of the country; imposing upon them three-fourths of the tariff duties, as consumers, without affording them any adequate consideration for the payment of their tariff taxes.

"*Resolved*, That if the manufacturer is to receive a protective duty, so should also the American seed-grower, who, in consequence of the importation of foreign seeds into the United States, is obliged to abandon this profitable branch of industry.

"*Resolved*, That the business of wool-growing has become unprofitable, and cannot

safely be followed by our farmers under the provisions of the present tariff, which admits all kinds of wool of less value than eight cents per pound at the place from whence it is imported, duty free, of such qualities as come in direct competition with our wool of coarser quality; therefore,

"*Resolved*, That it will be the imperative duty of the American farmer to protest against a tariff to protect the manufacturers, if nothing more be done to protect this important business from foreign competition.

"*Resolved*, That the present tariff is partial and unequal to farmers, wherein it provides that the duties on railroad iron shall be refunded when the rails are actually laid, and does not provide that the duties on the scythe and the sickle shall be refunded to the farmer when he shall have applied them to the grain.

"And whereas large quantities of potatoes, grain, butter, cheese, pork, wool, hides, and other articles, are annually imported from foreign countries into the United States; therefore,

"*Resolved*, That it is not the interest or the duty of the farmers to submit to be taxed to build up commerce and manufactures, unless they also can be protected in the full enjoyment of the home market for all our great agricultural staples."

But it may be replied that the present bill remedies some of those complaints, by raising duties higher, to protect a few of those articles of agricultural origin. In doing that, however, mere appearances seem to have been consulted; because, in reality, the farmer is placed in a much worse condition by the whole bill than he would be without it, under the existing laws. Thus, the duty on eight agricultural products from abroad has been raised, by the report of the committee in the other House, over the Secretary's bill, a few cents per pound, barrel, or bushel; as on butter, cheese, Indian corn, flour, lard, meal, potatoes, and wool. This looks on its face very kind, as well as protective. But none of those articles, except wool and cheese, are imported to any great extent, or are likely to be dangerous rivals to our domestic products of the same name; and the duties, old and new, on the whole of these, would probably be less than fifty thousand dollars a year. But, at the same moment, the duty on salt, which farmers are obliged to consume in the largest proportion, has, by this bill, been increased from its present rate of twenty per cent. to quite eighty per cent. There has thus been added to the price of what the farming interest consume of that article near half a million of dollars. Vast kindness,— to bestow fifty thousand dollars with one hand, and take back with the other ten times the amount! Admirable protection,— to relieve them by higher protection equal to about fifty thousand dollars of new duties, but at the same moment to burden them by new ones, on one article alone, near five hundred thousand! But the secret, in respect to this last article, is, that the increase benefits the manufacturers of it. For the same reason, an increase was proposed on several other manufactured articles, and one raw material lowered, to aid the soap-makers, though produced by the farmer here. I concede, however, that this bill, after a severe struggle, has been made to impose a duty on hides, which is favorable to agriculture. But it is very small, and is neutralized,— indeed, exceeded ten times over,— by the increased tax on iron, cordage, cottons, linens, glass, and various other articles of extensive consumption among

farmers, independent of salt. Indeed, the very tax imposed on hides, professedly for their benefit, is another excuse for a high tax on leather and shoes, which farmers consume so largely; and the duty on wool, raised some, professedly to aid them, is also countenanced by a higher duty on several kinds of woollens and worsteds. This is a specimen of the ridiculous round which such a forced, unnatural, hot-bed system, is obliged to run; and if a single raw material from agriculture, entering into our manufactures, is visited with a higher duty, avowedly to protect the farmer, you proceed at once to pick his pocket again of more than the amount, by raising some duty still more on a manufacture he uses, and sometimes on the very manufacture made from his raw material. By the viciousness of such a system, the English have discovered that the manufacturer was so escaping his fair share of taxation on imports, that Parliament was obliged, in order to render the whole burden of taxation more equal, to impose an excise duty on several articles of domestic manufacture. From like circumstances, if we pass this bill unamended, there will be so many duties nearly prohibitory for the benefit of the manufacturer; and the rest of the tariff, on which the duties are paid, will fall so much more heavily on other classes, that the deficient revenue will continue, if our expenses are not reduced and the lands recalled, and will have to be made up, probably, from other sources, reaching more equally the manufacturer.

In that event, as the revenue will have been injured for the benefit of the manufacturer, what more suitable mode of obtaining the deficiency than one which will fall on him in a more equal proportion, and thus tend to equalize nearer the benefits and burdens of all classes? The English corn-laws, so much railed at, were, in one view, at home, a mode of making the manufacturer pay something to the farmer for the high protective duties he had obtained on some of his own products; and for the burdens, flung chiefly on the agricultural interest, to maintain the starving paupers among manufacturers, when deprived of employment by some of those revulsions so common to that branch of business. Indeed, the far-reaching sagacity of Hamilton saw that, even in ordinary cases, the manufacturing States would consume less of foreign imports, in proportion to their numbers and wealth, than the agricultural States; and hence he urged it as an argument why the General Government should have the power, when taxes became high, to impose part of them on other property, in order to make the manufacturing sections bear, as they ought, a more equal proportion of the public burdens. (Fed., No. 35.)

Do not gentlemen see, also, that, in respect to revenue on imports, this system soon kills the goose that lays the golden egg? If manufactures are increased by it sufficiently to supply the home market, so that fewer articles are imported,—and if most of the free articles are, also, raw materials for manufacture, and yield no revenue,—it follows, inevitably, that much of the income heretofore derived from imports must gradually disappear; and, as a fiscal system of taxation, it will,

in time, prove a *felo de se* — destroying itself. Then, for most of our revenue, would remain only the expensive, unpopular and deprecated alternatives of excise and direct taxes.

There is another illustration, somewhat striking, of the partial operation of the general structure of this bill upon agriculture. The highest duty, in a list of sixteen articles, is on cordage untarred, and another of eighty per cent. on cordage tarred. These are articles used extensively, not only in navigation, but on every farm, and in almost every log-cabin. The next is coarse cottons, from twenty-five to the monstrous rate of one hundred and forty per cent.,— wanted for clothing and bedding whenever a ship sails, a fort is manned, a plough driven, a cow milked, or a laborer sleeps. In this manner, the whole list might be run through, and all above fifty per cent., with the exception of two or three, and all, but a like number, between fifty and thirty-five per cent., would be found among the leading necessaries of life,— including, besides what have been named, several species of iron, woollens, salt, sugar, coal, wares, molasses, paper, linens, &c. How wretchedly must the discriminating policy be exercised, when, in a republic, the numerous masses are taxed, on their greatest necessaries, from sixty to one hundred and forty per cent., while wines, the luxury of the few and affluent, pay only about fifty per cent., foreign delicacies in fruits about the same, and silks, generally, but thirty or forty per cent.! What deserves further notice is, also, the fact, that among the articles which, in England, pay only the more moderate duty of twenty per cent., are the universal necessaries of iron and cotton, while here they are manufactures of tobacco. In the free list here are, also, "*gold epaulettes*," and the poisonous "*nux vomica;*" while there it is salt,— the healthy inmate of every dwelling, from the hut to the palace, but much the most extensively consumed in agriculture.

Again: of the nine or ten articles, in another table before me, which, in England, have heretofore yielded twenty out of twenty-two parts of all her gross revenue from imports, one of them is grain; and, without commending the policy of the corn-laws generally, it has been much protected, either directly or indirectly, in favor of her agriculture at home. Three of the other eight are protected in the same way for the agriculture of her colonies; while, among our ten highest, not one is an agricultural article,— and thus not one of them is protected, either directly or indirectly. And in the eight next, there is but one; and that is now protected, for the first time, only by a very low rate of duty.

Sugar is, in some respects, an exception in both countries, as the cane from which it is made is grown by agriculture; but any benefit from that is almost exclusively confined here to one of the small States, out of the whole twenty-six, and where the growing of cotton, instead of it, would prove quite as profitable. I pass by further comparisons which occur to me, connected with the lower differential duties England

imposes on articles from her colonies, and from which, on those lower duties, come most of the imports which yield the greatest revenue. I pass by the strong contrast between her whole impost system and ours, in the fact, that, deducting luxuries, the necessaries of life imported there do not, on an average, now pay over twenty-five per cent., while here they exceed that near ten per cent., and thus fall most heavily on the laboring classes. Bad, then, as has been the English system in some respects, this one concerning imports is worse, and especially towards the agricultural interest.

How can we consistently pass such measures as this, and continue to rail at England for her corn-laws, when now her duties on grain are lower than half of those in the present bill? Nor will it become us to complain longer that she excludes our grain by high imposts, when she takes three-fourths directly, or indirectly through her colonies, of all we export. Nor to talk of retaliatory duties, when ours now on her cotton, iron, woollens, and crockery-ware, are nearly double as high as hers on our grain; and when, if she oppresses the great mass of her population, and drives many into insurrection by her corn-taxes, we oppress ours much more by taxes on all which is used to protect from nakedness and cold, as well as all which enables our people, in the use of iron and cordage, to till the earth for bread, or navigate the ocean for gain. So, more than half of these nine leading articles in England, which yield most of her revenue,—such as spirits, wines, tobacco, fruits, &c.,—are manifestly luxuries. There, the great mass of the revenue is collected from the rich, who can afford to use luxuries, however highly taxed. But here, our nine or ten articles, which are expected to yield most revenue by this bill, and which will yield near twenty parts out of twenty-seven, if it succeeds as its friends expect, are all necessaries, and even agricultural necessaries, except two — spirits and silks. What a contrast! There, not half the articles yielding most are necessaries. Here, eight-tenths of them! There, only what goes into the mouth is taxed high. Here, what goes upon the back, as well as into the mouth. Has this been done to get more revenue here, when England is so much deeper in debt, and ought to be so much more taxed?

Can neither the back nor the mouth be allowed to escape here, where the people at large are pretended to be so much less burdened, and to have so much more weight in public affairs? No, sir. The difference is, that here our only privileged class supply clothing for the masses, while there one of their privileged classes supplies food. Hence, the farmer is here heavily taxed; and hence, under the pretence of revenue, the people at large are to be made tributary to the manufacturers, and to be ground down to the earth with high duties on the greatest necessaries, to help build up that privileged class.

Some talk, even, as if there was a sacredness, or Divine right, connected with them, and all legislation was to be shaped for their protection alone! If you question their exclusive pretensions over agri-

culture and commerce, the reproach is, you are hostile to American labor. Is no labor American but theirs? If you oppose high discriminations for them, and them alone, you are vilified as an enemy to domestic industry. Is there no domestic industry in the plough, and scythe, and ship, as well as in a spinning-jenny, or loom?

If you favor a tariff for revenue, and not protection to a single class, it is imputed to you that your wish springs from opposition to the American system,— as if the true American system was not that of equal rights and equal taxation; or, should you be so impartial as not to like a home league for manufactures alone, you are denounced for want of patriotism,— as if there were not home crops, home herds of cattle, and home flocks of sheep, to be encouraged, as much as the manufacture of soda-ash, or vermicelli, or pins. The agricultural interests are in this way misled or neglected. It may be undesignedly, yet still it is done.

If those behind the curtain were, by this bill, seeking revenue alone, and did not intend to blind the farmers about protection, by raising the duty on such articles as butter, wheat, flour, and lard, why did they select that which has so little competition from abroad, and at the same moment yields so little revenue? The fact could hardly be credited, if not in the official document before me, that the revenue from butter, by this change, held out as merely financial, would be increased only four hundred dollars, that from wheat-flour only eighty-three dollars, and that from lard,— in the distressing wants of the treasury for near twenty-seven millions,—not quite the great fiscal aggregate of ninety-eight cents! This, as financiering, must astonish Europe. Why not be open, manly, straight-forward?

Where are the drawbacks, too, for the aid of farmers? None on their salt consumed, or their iron; while on the first you allow a drawback to the fisheries, and on the last to the proprietors of railroads.

What drawback is allowed on the molasses consumed in raising and shipping their surplus crops — the fruit of their labor and capital? — or on their cotton-bagging, or their sugar? But large drawbacks are granted to the manufacturers of spirit from molasses, and of refined sugar, when shipped abroad, as the fruit of manufacturing labor and capital.

Another characteristic of the details of the bill, exceedingly unjust and unequal to the agricultural and other laboring classes, is, that, by the rate of duty, when specific, whatever may be its superiority in some cases over an ad valorem rate for securing revenue, it is so used here as to make the secondary quality and value of any article of the same name, and which, of course, is most used by the least wealthy, pay as high a duty nominally, and a much higher one really, on its value, than is paid on the more fashionable and costly fabric used by the rich. Without fatiguing the Senate by many details on this, take the articles only of shoes and flannels. The silk shoe, worn in the

ball-room or soirée, pays no higher duty than the cowhide shoe, worn by the sailor, laborer, or ploughman. So the coarse flannel used by the industrious classes is not only very highly taxed, but has to pay just as much duty per yard as the finest fabric used by the wealthiest.

Where, also, is the *free list* of articles to aid agriculture? For protection is afforded by letting the articles used by particular classes come in free, as effectually as by taxing rival articles high.

The whole free list for the manufacturers would fill almost a page: such as models of machinery, berries, nuts and vegetables used for dying; all dye-woods; old metals in brass, copper, pewter, &c., to be manufactured; crude brimstone, gums, madder, India-rubber, kelp, barilla, wood, palm leaf and oil, reeds, &c.; while the free list to aid farmers consists only of "animals for breed" and "plaster of Paris."

To pursue this course, when agriculture and commerce have such superior claims to extraordinary protection, if granted at all to any class, is more especially unjust and suicidal to the best interests of the whole community.

Why, sir, the value of property of all kinds in this country is estimated at four thousand millions of dollars. Of this, at least three thousand millions (or three-fourths of the whole) belong to agriculture; and is that three-fourths to be neglected, for only a small pittance in manufactures mixed up with the other one-fourth? All the capital in the latter employment appears, by the last census, to be only two hundred and sixty-seven millions and a fraction; while the capital in commerce and navigation alone exceeds it more than a hundred millions, and that in agriculture exceeds it over two thousand seven hundred millions.

Generalities can hardly impress us strongly enough with the great magnitude of the interests in agriculture, compared with those engaged in manufactures.

Here is a table, sir, compiled from the last census, as corrected. Fair computations of prices on it show that the crop, in one year, of only eight agricultural products, exceeds in value, by a hundred per cent., the whole capital employed in manufactures.

AVERAGE PRICES.

Indian corn, at 50 cents per bushel,	$193,640,092
Hay, at $10 per ton,	128,047,050
Wheat, at $1 per bushel,	91,642,957
Oats, at 50 cents per bushel,	65,000,000
Cotton, at 10 cents per pound,	57,800,000
Potatoes, at 25 cents per bushel,	28,250,000
Tobacco, at 10 cents per pound,	24,018,000
Wool, at 50 cents per pound,	17,900,000
	$606,298,099

When we come to the numbers employed, and belonging to those employed, in each pursuit, after making proper additions for persons

in families not enumerated in the census as actively engaged in each occupation, it will be found that those in agriculture are more than twelve millions, or above three-fourths of the whole; while those in manufactures do not exceed a million and a half, or one-eleventh of the whole. Are the virtuous yeomanry of the country and their industrious families — being eight to one of the inmates of factories — to be overlooked and taxed exorbitantly to sustain the latter; or, rather, in most cases, the few capitalists who employ them? Are the interest and comfort of the former nothing, compared with the latter? Give cheerfully to the latter, as I do, all deserved credit; but are the former twelve millions of human beings possessed of no domestic or *home industry* to be respected? Is not their labor as *American?* their usefulness as great? their patriotism and worth quite as proverbial?

Yes, sir, you not only try to collect tribute from them by a bill like this, while you in many cases exonerate the manufacturers, in respect to the taxes on foreign imports, but you compel them to pay immense sums more for various domestic manufactures than they would have to pay if the rate of duty on imports were not higher than the revenue standard. Thus, sir, in England it has been calculated that, in consequence of taxation of all kinds,— equalling £50,000,000,— the consumers are obliged to pay, on articles not imported, £100,000,000 more than they would otherwise be obliged to pay.

Some have calculated that near seventy millions of dollars were paid here yearly, in consequence of the tax on foreign articles enhancing, to a like extent, the price of similar domestic ones. It may be suggested that the manufacturers pay something more, also, in a ratio of their numbers; yet we must recollect that this is not the case with them, so far as they consume their own fabrics; and that they, in other particulars, get an indemnity in the higher prices of what they sell, and levy it unjustly on the farmer and others, who obtain no indemnity from any quarter.

On the sea-board the farmer is peculiarly overburdened by this system; because, from his position and from habit, he consumes a larger portion of foreign imports than others; and, so far from being himself protected, even in the home market, as an indemnity, he sees Ohio tobacco and Indiana pork and Illinois flour selling near his own door. This would be right, if all were free trade, and no one interest specially aided. But, when the manufacturer in Rhode Island becomes embarrassed, he resorts to Congress for a higher tariff for relief; and, on the same principle, why should not the Mississippi planter or New Hampshire farmer? And why should it not be granted, under your system of partial legislation, in one case as well as the other? Some say, however, that this kind of tax, if oppressive, is voluntary, and can be avoided by not consuming the article. This argument might have some force where only luxuries are taxed; but it cannot be tolerated a moment where almost every import is taxed highly which custom and taste render necessary, even to the middling and lower classes,—

indispensable food and clothing, no less than comforts and ornaments, — what is used in infancy, manhood, and old age; needed at our births, marriages, and deaths; and almost as vital to all classes as air, fire, and water. To argue that it is voluntary to keep or relinquish the use of such articles, is to call it voluntary to surrender your purse to the highwayman when the alternative is your life.

How would the manufacturers, if now taxed highly, and without any protection, be pleased with a similar, though juster retort, that it was voluntary in them either to begin or to continue the manufacturing branches of business, if not profitable? What makes these high duties more burdensome here to the masses is, that they fall on both food and clothing; while in England, for instance, they fall only on the former, the latter being cheap, and lightly taxed.

Again, not only cottons and woollens pay there a low rate of duty, but iron. And the great condiment of all food for most of the animal creation, and the necessary of all classes, there and elsewhere,—salt, — while proposed to be taxed here eighty per cent., is in that country, reproached by many as tax-ridden, still free, nobly free, to the cottager as well as the peer.

To preach, also, as some do, that national independence requires us to proscribe everything foreign, is to advocate a return to the condition of savages, and push back civilization to a state something worse than that of the dark ages. While I abominate as much as any one foreign follies and luxuries, and foreign political dependence, it is certain that necessaries and comforts, whether obtained at home or abroad, are still necessaries and comforts; and the dependence of different nations on each other for what each, by climate, skill, or custom, can produce cheapest, is a source of pecuniary gain to all, and quite as humanizing as is the social dependence of all men in civilized society on each other for many mutual aids, and often becomes the strongest pledge of continued peace.

But some, in discussing these questions, assert that this view of them is hostile to any protection whatever to manufactures; and they ask if none is to be granted. On the contrary, I contend that it concedes much protection,— quite as great as our fathers looked to after the Revolution, and during the first quarter-century of the present government. It recognizes, first, the incidental protection which agriculture and commerce have in common with manufactures, in an ocean of one to three thousand miles rolling between us and most of the places where foreign articles are produced. Next, to all manufactures in the interior there is a further protection, by the additional expense, risk, &c., of carrying thither any of the foreign articles. Similar ones made on the spot, when heavy, like lead, iron, salt, and hemp, will often command the whole interior market, without the aid of any duty whatever, fiscal or protective, on the foreign article.

But, besides these two important protections, there is the natural protection to many articles resulting from climate and soil. This is

quite enough to make them flourish, without any other. Such are the granite, hay, ice, and potatoes, of the north; the wheat, Indian corn, pork, and tobacco, of the Middle States or the west; and the cotton of the south. These need no aid from duties, any more than does hemp or timber in Russia, coal and iron in England, silks and wines in France, gold and silver and the cochineal in Mexico, drugs in Turkey, or tea in China. If we consult nature, as we should, or any peculiar advantages in skill, machinery, or capital, we shall find that those pursuits will prove most profitable, in all nations, which these circumstances indicate to be congenial; and if we attempt to force what is not most congenial to our climate, soil, habits, and means, the pursuit will often prove thriftless, even with the aid of high protective duties. The growth will thus often be an unnatural hot-bed and costly product, and the system as unphilosophical and ridiculous as that described by Swift in Laputa, of extracting sunbeams for heat from cucumbers.

But where a country like this, with a large capital, and liberal revenue in public lands, requires also some moderate addition of income from taxes,— and they are, from convenience, imposed on imports,— a further protection often follows incidentally to agriculture and commerce, as well as to manufactures. Nobody regrets such a protection when an incident, and when proving equally favorable to each of those great pursuits, somewhat in the ratio of the numbers and capital employed in each. That alone is the protection by the General Government, with its limited powers, which Jefferson and Madison could legitimately commend; and never the unnatural and unjust protection of only one branch of industry, to the neglect or expense of other branches. Such protection, too, becomes constitutional, not as an object of taxation,— no such object being named in any of the grants of power,— but as a mere accidental consequence of taxation. Early as the adoption of the constitution, Hamilton said that "the encouragement of agriculture and manufactures" belonged to the domestic police of the States. (No. 34, Fed.) One of the incidents of war was to derange commerce, and pet manufactures into exclusive favor; and then, for the first time, protection *per se*, and for them alone, was demanded; and from time to time an increase, till the whole system was broken down by its excesses, in 1833. The doctrine and practice which have prevailed since, till now, have been a gradual return to a system of duties not exceeding twenty per cent., and yielding the protection which would flow from that rate, and the other great advantages resulting often from position and climate. There may we stand now, and present, against any excesses, the firm front of principle, established precedents, and sacred compromises.

Indeed, Mr. Clay himself declared, as late as June, 1840, that a duty of twenty per cent. for revenue, aided by cash duties and a home valuation, would yield a sufficient protection to all kinds of manufactures that ought to be persisted in. That apparent change in views by him was highly commendable, and is much in accordance with the

change which has been going on in England since Mr. Huskisson's exertions in 1825, and which the ablest writers in political science have long advocated; and which, at last, has there entered the work-shop, and taken possession of the halls of legislation. In the late examinations before the committee on imports, several manufacturers are said to have disclaimed all wish for protection above what would result incidentally from distance and a revenue standard of twenty per cent.; and the examples of Saxony, as well as Switzerland, have demonstrated the truth of this, by years of manufacturing prosperity, entirely unprotected by special legislation or high duties.

While we have been deliberating here, in an address to the American minister, in Manchester itself,— a great cotton work-shop for the world,— this idea is expressed boldly, as well as eloquently:

"We trust that the delusive idea of protecting one branch of industry by inflicting injuries upon other branches is fast passing away; and that, ere long, the abundant products of your country, and the various manufactures of ours, will be freely interchanged; that commercial transactions will become as uncontrolled by fiscal restrictions as are the waves, which, whilst they separate, serve to unite the parent with the daughter country. We feel convinced that the doom of monopoly is sealed in our land; that even the blindness of party is becoming enlightened; and that all the wise and good will soon be brought to regret that a single hour should have been allowed to pass without the adoption of the sound principles of free trade."

England, from her position, small territory, dense population, and vast mines, must chiefly export manufactures, and bring back agricultural products; while we, from our position, our immense territory, and fertile soil, ought chiefly to export agricultural products, and bring home manufactures. We are fitted for each other's opposite wants, instead of running in parallel lines; and if partial protection be at all excusable there or here, it is there for manufactures rather than agriculture, and here for agriculture rather than manufactures.

Place, then, taxes on imports, whenever needed, till the proper maximum is reached; and let all the great interests in society, including manufactures, receive in this way all the additional protection, beyond their remoteness from other countries, which will thus fall to their lot, — but there halt. That, with steadiness in legislation, and natural advantages, is enough; more, without them, would be insufficient. Such, alone, is a *judicious tariff*, whether we regard revenue or protection. To go beyond that, for aid to manufactures alone, or any other class, is not only without constitutional warrant, but violates the first principles of equal and just legislation. To go beyond that, for aid to all equally, by imposing higher taxes on all, will, of course, benefit neither in particular, and thus prove useless to all. To legislate thus, not for revenue, but the advancement of particular interests in particular States, is to assume duties which belong to those States, and were jealously withheld from the General Government, and will prove, as they have heretofore, constant causes of partiality and heart-burnings. To do it to furnish a home market, in place

of a foreign one, is to pretend that one market is better than many, and that a sufficient home market exists for a hundred millions of spare produce, when all engaged in manufactures cannot consume or want two millions of it. To do it for aid to the currency, as is pretended, is to suppose that mere barter requires more specie than distant commerce; and that what deranges the issues of the banks, by leading to periodical contraction and expansion, is conducive either to the soundness or uniformity of the circulating medium.

In short, to do this, and overload with unequal burdens different branches of enterprise and industry, as well as cripple free intercourse between the great family of nations, is to defeat what lies at the true foundation of all sound policy as to legislative encouragement to business, which is to aid all to sell wherever they can get most, and buy wherever they must give least.

Without going into many other fallacies on this subject, let me ask what are the great reasons why we should do all this? Chiefly to protect one class, when embarrassed, to the neglect or cost of other classes equally embarrassed; chiefly to raise a few more pounds of sugar, where not more than one-third of the cane ripens, compared with Cuba; to insure the manufacture of a few more yards of calico, at higher cost, like the making of ice in Louisiana, or the growth of pine-apples on the White Mountains; to make the planters of the south pay five cents a yard more for their cotton-bagging, to help Kentucky; to force the whole agricultural and navigating interests on the Atlantic to pay sixty to one hundred per cent. more for their iron, to benefit the wealthy iron-masters of Pennsylvania.

In all these kinds of protection to manufactures it is also the large capitalists and stockholders, more than the workmen, who profit by high duties. And if you possess a right to go as far as this bill does for protection alone, it would certainly prove more efficient for that object to go further, and, as in the ages of monopoly in England, march up to the prohibitory duties; or, as in France, to absolute prohibition. That would also be undisguised; and the people, being obliged in that case to furnish most of the revenue in some other form, would see more clearly for whom, why, and what they are taxed, and would examine more critically the necessity for it.

Our commercial and navigating interests always suffer nearly as much, in proportion, as agriculture, by high duties on foreign imports. Those imports being the returns for the surplus crops of the farmer and planter, a tax on the returns for the crops when coming home injures him, and the country, in the end, as much as a tax on the crops themselves when going abroad. So a tax on the vessel that carries them, included in her iron, copper, cables, and cordage, and in what is eaten and worn by the shipwright who makes the vessel, the sailor who navigates her, and the merchant who owns her, is an evil to the farmer likewise, whose expense in getting his products to a final

market, and the proceeds back, is thus vastly enhanced. In this view, their connection is inseparable, and their influence reciprocal.

Again: as agriculture furnishes the chief materials for our foreign commerce, everything which checks and discourages, or taxes it, diminishes the employment for both commerce and navigation. These last give value to the surplus of the first. These last do not make us so much, or, at the worst, more dependent on foreign nations than they are on us. What we obtain from them with the products of our labor, is likewise the fruit of American labor and American industry, as much as the manufacture of soap and watches here. To restrict our markets,—to lessen our freights, by extraordinary taxation on what is carried,—is not only to disuse our ships, but to discourage production at home for export, and narrow the range of beneficial intercourse, civilization, and Christianity.

Our whole tonnage for foreign trade was much less in 1830 than in 1837 and 1838, partly in consequence of higher duties on imports and the materials of ship-building; and, whenever the tariff was lowered on some articles in 1830, and on all in 1833, that description of tonnage, and partly from that circumstance, increased rapidly.

In a like manner, our exports and imports both fell off, or increased slowest, when tariffs were highest, and increased fastest when tariffs were lowest. The latter were perfect thermometers to the former. Thus stood our

IMPORTS AND CONSUMPTION PER HEAD.

	Imports.	Consumption.
BEFORE A HIGH TARIFF.		
1792 to 1799 inclusive, about	$471,000,000	$320,000,000
Per head of population, yearly, about	14.30	10.00
1800 to 1807 inclusive	817,000,000	375,000,000
Per head, near	28.00	8.70
SINCE A HIGH TARIFF.		
1824 to 1831	678,000,000	500,000,000
Per head	7.70	5.60
UNDER A LOWER TARIFF.		
1834 to 1841	1,114,000,000	954,000,000
Per head	10.00	8.00

Exports, domestic increase of, when the duties were low, — 1790 to 1795, — increase nearly	$20,000,000
Duty increased, and other taxes, — 1795 to 1800, — *lessened*	9,000,000
Tariff modified, and other taxes lowered, — 1800 to 1805, — increased	11,000,000
Commercial restrictions, — 1805 to 1810, — *no change*, by increase or diminution.	
War, — 1810 to 1815, — increased very little	3,000,000
Peace, and duty not high the last three years, — 1815 to 1820, — increased	6,000,000
Tariff low, except the last year, — 1820 to 1825, — increased	15,000,000
Tariff highest, — 1825 to 1830, — *lessened*	7,000,000
Tariff lowered, — 1830 to 1835, — increased	41,000,000
Tariff lower still, — 1835 to 1840, — increased	13,000,000

The increase from 1820 to 1830, under the highest tariff, was only

about eight millions; but from 1830 to 1840, under a low tariff, the increase exceeded fifty-four millions. Indeed, such has been the impulse imparted to these under the low tariff of the last eight or ten years, that we have now become the second commercial power in the world. So far from returning to the Chinese prohibitory system, and abandoning all, or most, foreign trade,—or imitating the highest protective country in Europe, which, by such a policy, has made the grass grow in the streets of Spain, and stripped it of commerce and a navy, and sunk it from a first to a third rate power in Christendom,—is it not far better to push onward those high destinies which nature, habit, and position, have long indicated are to be the results of our agriculture and commerce?—a territory extensive and fertile beyond imagination, to feed an increasing population, and furnish ample exports for ages; and a length of sea-coast, rivers, and lakes, which give us seamen, vessels, enterprise, and employment, if not overtaxed, sufficient, in a few more unshackled years, to make us first on every ocean, and foremost on the globe, with means for naval defence and naval glory.

Rather than check this spirit by discouragements such as are directly introduced in this bill, taxing, for the first time in many years, the sheathing-copper for our ships, raising higher than even in 1828 the duties on cordage, restricting the period of drawback, and imposing a new transit duty on what is reëxported, and then attempting to prevent our country from becoming like Venice, Genoa, and Holland, formerly the depots for all nations, and giving thus so much additional employment to our vessels,—rather than travel back and shut ourselves up in our terrapin shells,—let us pause.

How can our ship-building and navigation be expected to compete with the English and German, if pressed down with these new discriminations against it? with larger taxes also on all it works up and all its workmen consume, and a shortened period for reëxportation, and a new direct tax on this kind of carrying trade of two and a half per cent.? No, sir. The opposite course will make us what we have ever gloried to be,—the friends of true freedom in everything commendable. Our example as to this in politics, and in our constitution as to religion and the press, will be tarnished, if we hesitate to carry it out also in our fiscal and commercial policy.

Of what use is equal freedom in elections, if we are not to have equal freedom in taxes, equal freedom in protection, equal freedom in trade? This asks no exemption from equal taxes and equal burdens of all kinds. But every high restrictive duty on imports, as well as every additional duty on the materials used in ship-building, or consumed by its workmen and navigators, is not only a discouragement to commerce, but, if exclusive, tends to make its interests tributary to manufactures, and paralyzes our exertions to become the principal carriers for the world. The ancient noble spirit in our statesmen, by which that ambition was promoted, in struggling to establish the doc-

trine that *free ships make free goods*,—and even in waging war on the most powerful nation of the globe for *free trade and sailors' rights*, and afterwards offering reciprocal treaties of commerce to all mankind,—was worthy of the proudest days of the best republics in any age. It was open, confident, manly; and has helped to cover our country with substantial wealth, and unprecedented improvements.

Let us not, then, retrograde, and pass such a partial, restrictive, and anti-commercial bill as this, and disable ourselves forever from standing forth as the champions of the *free trade* principle. Let us not check, in any way, the expansion of that commerce which has proved to our country not only so enriching, but so civilizing; and which, by our private enterprise, as well as our public expeditions, is making us discoverers of new islands, if not continents, and the pioneers in establishing more,—the reign of peace, the arts, and religion, in many of the remotest isles of the Pacific.

A harsh course to this commerce will not only drive our vessels from the ocean, and blight the inducements to agricultural enterprise, but it will aim a fatal blow at the best foundations of all *our national defences and national independence.*

Our army will then lose half its energies and muscle, as it will be manned by starving and feeble manufacturers, driven, in the revulsions to which their pursuits are exposed, to enlist, or find refuge in the almshouse. Our navy will be crippled and dismantled; for, without a commercial marine, there can be no navy; and, with a palsied commerce, our ships of war will have to be manned by the same enfeebled artisans, rather than the healthy bodies, strong arms, and lion hearts, who have spent their youth on the mountain wave, or breathed the pure atmosphere of hills and valleys.

Considerations like these show that, if there is to be any partial or high protection for particular pursuits, it should be in favor of agriculture and commerce, and against manufactures, rather than the reverse. Those engaged in agriculture, too, always have the means to live, when their surplus will not serve at home or abroad; but manufacturers, in such revulsions, cannot eat their cloths or iron, and must usually fly for existence to the parish poor-house, and be fed on the grain and meat of the unprotected and unfavored farmer.

The next step will be one equally inconsistent with our true national character and policy, but in strict accordance with this bill,—that is, to impose high duties on foreign laborers, as well as foreign merchandise. What, sir! we, whose Revolutionary victories were won, in part, by foreigners,—by the Lafayettes, the Paul Joneses, the Kosciuskos, and Steubens,—now prate about our being inundated by the cheap laborers, as well as the cheap labor, of Ireland, Germany, and England! We, whose forests have been felled, whose canals dug, and railroads laid,—whose bridges, and forts, and public buildings (of which we are so boastful), erected by workmen from abroad,—will next seek to exclude from our shores this very foreign laborer!

Where this anti-liberal and anti-commercial spirit may end,—whether in some debased bondage to castes and classes, like Egypt and India, or in some military despotism, to quell those who dare, like our brethren in one of the Eastern States, try to be free (free in equal rights and privileges), and not submitting to unequal or oppressive taxation of one class or section, to benefit others,—remains to be seen. But, however all the rest may end, I hope, ere long, to see salt and books placed in the free list: the first, chiefly to lighten the burdens of agriculture, though a relief to all the consuming classes; and the last, to accelerate the improvement of our whole people, in more easily becoming acquainted with the arts, their social duties, and political rights, as well as in procuring less expensively enjoyments which are virtuous, elevating, and useful. If we will not encourage making trade free, nor the food of the body free, let us put forth one effort for the glory of making the food of the mind free.*

TARIFF.†

As one of the committee that reported this resolution, I was against it, and have heard nothing since to reconcile me to its adoption. I am for action now on the modification of the present high tariff, and for the prompt passage of the bill introduced by the senator from South Carolina (Mr. McDuffie), amended as it may and should be, in some respects, if the motion to postpone does not prevail, so as to mould it into a form more acceptable to most of the great interests and great sections of the country. My object is to present some reasons why the exorbitant and partial rate of duties on imports which now exists should not be tolerated a single day longer than is required to make the change judiciously.

I shall speak to the merits of this proposition solely. I intend to treat it as a practical question,—one vital to twenty millions of people, rather than an abstract theory, or affecting the welfare merely of small regions and small classes.

We have been asked to rely on facts rather than speculations. Such a course was proper; and as, in every controversy, a variety of facts

* For Tables referred to in this speech, see Appendix, A, B, C, D.

† A speech on the resolution to postpone indefinitely Mr. McDuffie's bill to reduce the tariff; delivered in the Senate of the United States, Feb. 7th and 8th, 1844.

is involved, appearing often different to different persons, equally honest, but not equally inquiring, or connected with the transactions, my great effort will be to throw new light on the facts which bear upon the subject. Settle some of the doubtful facts, sir, and there will be much less difficulty as to principles; for, while men and events change, principles are eternal. Looking, then, to all the real circumstances connected with the present high and unequal tariff, whether it be a measure for protection or revenue, and the following facts seem to require its amendment without delay.

In the first place, it could not have become a law, except as a temporary measure, in a great exigency. It was voted for by no one as a new experiment, which might require years of experience in order to develop the propriety of its continuance or modification. The system involved in it had been previously tried for near a generation, and found wanting. It had been in operation till its impolicy and oppressions convulsed the Union from its centre to its extremities. It had been deliberately abolished by a union of its former friends and foes; and, so far from its having now become sacred, forbidding any agitation of its character, and requiring us to wait longer for further developments of its good or evil, the speeches of several gentlemen on its passage prove it was intended to be amended at an early day. It passed here by a majority of only one; and, in order that the Senate may see that no mistake exists in imputing such opinions to some without whose votes here the bill must have failed, I will trouble the Senate by reading to them an extract or two from the debates on that occasion. The distinguished senator from New York (Mr. WRIGHT) declared that it was *bad, and loaded with defects.* (Appendix to Globe, 953 p., for 1842.) But the *only choice was between this measure and none at all* (955 p.); and he felt obliged to act under "*the disagreeable alternative of a very bad bill, and no revenue and no collection laws.*" Another member (Mr. WILLIAMS), then the colleague of the chairman (Mr. EVANS), who deprecates touching the present tariff, and eulogizes its provisions so highly, voted for it under the deliberate expression that *the bill, as a whole, is highly objectionable* (957 p.); that he would not hesitate to vote against it, if any other provision could be made; but he supported it to "enable government to continue its operation, until the people shall have another opportunity of selecting agents to represent them in another Congress; and whatever is wrong in the provisions of this bill (*and there is much of it*) may then be corrected."

The senator from Pennsylvania (Mr. BUCHANAN) also had the candor to declare the bill to be objectionable. But the choice was, in his view, *between that or none, and financial disgrace.* "I shall accept (said he) this now, as much the least of two evils, and look forward with hope to better times for an adjustment of the tariff on a scale more consonant with all the great and various interests of the Union, without sections." (951 p.)

The President also (without whose signature the bill would not have become a law) contemplates, in his message, that a revision of it may now be proper.

But, sir, there is a higher authority than all these, with gentlemen opposite, in favor of examining into the provisions of the existing tariff, and correcting any of them, if erroneous. Mr. Clay, in a letter written last September, says, concerning the tariff of 1842:

"If there be any excesses or defects in it (of which I have not the means of judging), they ought to be corrected." But as to the tariff of 1828, he was *well acquainted* with "*the circumstances which gave birth*" *to that.* "They are highly discreditable to American legislation;" and that was a "*high tariff*," "eminently deserving that denomination." Now, those well acquainted with the act of 1842 know it to be not only as high a tariff, in many respects, as that of 1828, but in some higher; and if the former was, on that account, *discreditable to American legislation*, this is worse, and, therefore, should be at once corrected. Other circumstances connected with it were similar. It originated in importunities from only one small class in society; was partial and unequal in its burdens for their benefits, and tended to exact tribute from the rest to sustain them alone. Did any gentleman, who had not examined the details critically, deem this a mere opinion founded on loose generalities, and consider it impossible that, after the fatal effects which flowed from the high tariff of 1828, a majority of any Congress could proceed to renew several duties quite as high, and indeed much higher? Let him, then, look to the recorded facts in our own statute-books, from which a tabular statement has been compiled by me, a few items in which I will take the liberty to read. (See Table No. 1.)*

Here are eighteen distinct articles, each of which, save one, is higher under the present tariff than left by that of 1828, and other acts passed soon after. Among them are the important items of cordage, cotton cloths,† cotton bagging, some kinds of glass, iron, shoes and boots, with molasses, crockery-ware, and woollens. If salt and sugar were at a specific rate of duty nominally less, they were burdened higher in proportion to their present value. Many of these articles were great necessaries of life, whether in the log-cabin or palace, or on the vessel's deck freighted with the rich spices and silks of India, or the western keel-boat and gallant steamer loaded with the labors of the hardy farmer across the Alleghanies: and when cordage is now taxed four and a half cents, instead of four, per pound; steel, two dollars and fifty cents, instead of two dollars, a hundred; shoes, thirty, instead of twenty-five cents, a pair; and crockery-ware fifty per cent.

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*Appendix, E.

† In a subsequent part of Mr. Woodbury's speech, he referred to one case where printed cottons, under the act of 1842, paid a hundred per cent. more than they did under the high rates of 1823 and 1824. Mr. Simmons expressed a wish to learn how Mr. Woodbury made this out; and he replied, giving the details.

more than the former impost, — can any one say, that, if the act of 1828 was high or discreditable, or a *bill of abominations*, this is not higher, and more discreditable?

I will not go through all the articles where the parallel is drawn before me in the table, lest it might prove tedious. But there were weighty reasons, beside these, for an early revision of the present tariff. In its general character and design, it was framed, not for revenue, but protection; and that protection direct, and chiefly to one class of the community, which being a small one, in proportion to the whole, it thus endangered, if not sacrificed, the interests of the many, to aid a few. Whenever any of its provisions have been moulded differently to accomplish this purpose, it is a departure from sound principle; being a purpose not financial in its origin or tendency, not in conformity with the sound principles of taxation, nor permissible for other objects under the spirit of our confederated form of government, where no such power is expressly granted, and every power not so granted is reserved to the States and the people.

I shall not, however, on this occasion, investigate the mooted question of its constitutionality, because time for such an argument does not exist, without omitting much that tends to demonstrate the propriety of amending such a bill, on great principles of justice and equality in legislation older than all constitutions, and paramount to every technical consideration.

I proceed to offer facts to prove that the present tariff is such a bill. It was prayed for, in many respects, by only one class of the community — manufacturers. Testimony was taken only as to the influence of many of its provisions to aid one class. The passage of them, in their present form, was advocated as necessary for the protection of that class; and, however some other considerations as to revenue, or consequential benefits to other classes, may have mingled with the paramount object in giving the present extraordinary form and pressure to most of the rates of duty, yet the interest and protection of manufactures were the Alpha and Omega in the numerous departures which occur in it from the sound revenue system which existed here from the foundation of the government, until the derangements of industry during the last war. Prior to that event (as I will explain more fully hereafter), the highest range of duties on foreign imports had never swollen above fifteen per cent., with two and a half more for a time, on account of the Mediterranean fund, to raise means for humbling the piratical powers on the coast of Barbary. Those were truly revenue and not protective taxes, except that incidental protection to all classes which always results to all branches of protective industry from any impost, however small, on rival imports from abroad. But the double duties for revenue during the war, with the increased difficulty in obtaining supplies from other countries, had given a new impulse to several domestic manufactures; and when peace arrived, those engaged in them deprecated the injury likely to

flow from the large import and consumption of foreign articles similar to their own. Accordingly, to protect them, and them alone, and that but temporarily, the addition of near forty-two per cent. was made to several of the duties, as before graduated, on the peace standard for revenue; and, so far from its being pretended that this addition, deliberately placed on rival productions only, was solely with a view to revenue, it was admitted and proposed to be done directly for the purpose of protection, and that chiefly to the manufacturing interests alone. Before me is Mr. Dallas' report, in February, 1816, formally declaring that such protection was desirable, and selecting the articles which most needed it, and recommending the amounts of duty on each which he considered likely to yield it. (See 3 State papers — Finance, p. 9.)

What class, after six years' trial, became dissatisfied with this amount of direct protection, and asked for and obtained more in 1824? Who again in 1828? and who again in 1842?

There is no pretence that the further increase of duty in 1824 and 1828, on the former protected articles, was demanded or imposed for the purposes of revenue. One of the supporters of the bill of 1828, now a member of this body (Mr. WRIGHT), frankly admitted, in July, 1842, "*that the tariff of* 1828 *was avowedly passed for protection; and if considerations of revenue had any connection with it, they were only incidental to the main object of protection.*" (Appendix to Globe, p. 653, for 1842.)

As little can it be pretended that similar provisions, asked by similar persons and for similar objects, in 1842, were not cast into their present unequal, high, and oppressive form, for the same objects as before,— the direct protection of the single class of manufacturers. I admit that we needed more revenue in 1842. But it is manifest that we could easily have obtained as much as now from a duty on foreign imports not averaging over twenty or twenty-five per cent.; or, if obliged to go higher in any case, under the impression, usually erroneous, that by going higher a larger aggregate amount can be obtained, it is equally manifest that we ought to have gone higher on luxuries, rather than necessaries; and on such articles as would throw the tax, according to the ability to pay, on property, rather than the person, and not make taxation doubly odious and oppressive, as is done by this tariff, through its operation almost as a poll-tax, making the poor pay *per capita* nearly as much to the support of the General Government as the wealthy. Such oppressive provisions were, therefore, not designed for fair fiscal purposes, but for protection to a favorite class, possessed of great enterprise and political influence, I admit, and equal rights with others; but no more moral, useful, or patriotic, than most other classes of the American people, and having a very small proportion of numbers and capital to be protected, compared with the whole Union. As the mere revenue standard, in some countries, has not exceeded ten per cent., and in others fifteen or twenty,— and we did not exceed the

latter during near a quarter of a century,— I propose to show, by figures, that the present duties are, in many vital respects, far above that standard. I hold in my hand a statement of the rate now imposed on several articles above not only twenty but thirty per cent. And I am the more anxious that the Senate should note the numerous and great excesses into which the act runs, from the circumstance that some deny the high protective character of any part of the present tariff; and many, who doubt it, are unable to verify their apprehensions with accuracy, because, most of the duties being specific, and the cost of the articles abroad not known, the real percentage of the tax on their value is concealed, and not able to be ascertained, except at the treasury.

But, fortunately, in 1840, a document was obtained from the treasury department, which gave the cost and charges and quantities of all important articles imported in that year. Thus everybody can reduce the specific rate to one *ad valorem* for that year; and are since enabled to do the same, where the cost of the article has not materially changed. In order, however, to verify my own computations, and correct any changes in value since, I have compared my statement with one which has been obtained officially from the treasury department, and it is in this way rendered as accurate as is possible in the nature of things. (See Table No. 2.)*

What, Mr. President, do you believe has been the general result? Only four or five, or, at most, a dozen articles on which the community are taxed over the highest revenue standard of thirty per cent.? No, sir; but forty-one articles,— and that without including seventeen varieties of iron manufacture, and as many more of cotton. These forty-one also include most, if not all, of those great necessaries of life which we import; and among them seven which are so burdened as to pay over fourteen and a half millions of dollars, out of twenty-one that would accrue on imports no larger than those of 1840. (See Table No. 3.)†

Does the Senate suppose, however, that the duty imposed in these cases merely crossed the true line of revenue a few cents or fractions, and therefore not enough to change the leading features of a revenue bill? If so, they must be surprised to learn that some descriptions of them reach fifty, eighty, one hundred, and even one hundred and fifty per cent. Thus, boots and shoes pay from fifty to seventy-five per cent.

What was the duty, also, on coal, used largely on the sea-board by all classes, and especially in the freezing inclemencies of weather now agonizing the poor and distressed of our cities? Quite sixty-one per cent. (by the official computation of the department), or more than double the highest true revenue rate. The duties on cordage — an article of universal use, in some form or other, from the St. Croix to the Sabine, and even to Oregon — ranged from seventy-one to one

* Appendix, F. † Appendix, G.

hundred and eighty-eight per cent. Cottons, which, more or less, helped to clothe all classes, paid from forty to sixty-three per cent. Woollens rose still higher. Sugar, which sweetens the cup of all, swelled to seventy-one and one hundred and one per cent. Salt, which was gloriously free in that country so often sneered at by us as deeply oppressed, paid, by this tariff, near eighty per cent., and some kinds still more; while iron, one of the great instruments to vanquish the earth, as well as our enemies, and carry on our whole domestic and foreign commerce, is from forty-five to seventy-seven per cent. Indeed, the hammer and the anvil of every blacksmith's shop in every village of the Union are loaded with some of the highest of these duties; and the oppression from them, in a thousand other forms, is carried into every kitchen and farm-yard of the whole republic.

Again: if this tariff was not intended for direct protection to manufacturers rather than for revenue, why were not its highest duties and greatest collections from luxuries and the elegances of life, rather than necessaries? This is the course elsewhere. In England, for instance, tobacco is made to yield near seventeen millions of revenue yearly, and spirits about thirteen millions by customs, and near twenty-five millions more by excise,— sums ranging not far from our whole income on imports. But we burden highest the prime necessaries of life, and collect from sugar, iron, woollens, cottons, linens, molasses, and silks,— most of them indispensable in every cottage and every degree of latitude and longitude over our wide domain,— the great mass of our whole revenue on foreign merchandise.

Here is a detailed statement, computed on the latest data accessible, and showing that those articles alone probably pay more than three-fourths of the whole. (See Table No. 3.)* I challenge any plausible reason to be assigned for this odious and oppressive discrimination, except that every one of these articles has rival productions here of a manufactured character, intended thus to be directly protected.

Should a doubt remain that the present tariff was modelled to accomplish that favorite object to manufacturers, and not to aid at the same time, by like and equal protection, the interests of agriculture, manufactures, and commerce (which is frequently pretended), let us consider for a moment a fact or two more, which alone are sufficient to silence forever any such pretence.

What, sir! Tell the hard-fisted farmer that he is equally watched over and protected by the bill, when almost every production, agricultural and otherwise, which is the raw material for a manufacture here, is unprotected — exonerated from any but a small duty, or made entirely free; and when, at the same moment, the manufacture from that production is protected highly, and often oppressively, at the expense of the farmer who is obliged to purchase it? That the Senate may see that this offensive discrimination is not accidental, or confined to two or three cases only, and that it is not a tariff of equal protection to all, I

* Appendix, G.

have prepared a schedule from the acts of Congress themselves, now before me, from which it appears that, in fifteen instances at least, and as to some very leading articles, the imports of three of which alone exceed, yearly, four millions of dollars, the producer of the raw article has the protection of only one, five, and fifteen per cent. generally, while in every instance the manufacturer working up the raw article has a protection ranging from twenty-five to one hundred and thirty per cent. (See Table No. 4.)*

Thus, while the farmer gets the protection of only nine per cent. on his raw flax, the manufacturer of it into cloth obtains on that from twenty-five to fifty per cent. And while rough wood gets the aid of but twenty per cent., those who make manufactures from it have thirty; and while cheap wool was long free, and now has but five per cent. protection, the farmer is obliged to go and pay for protection to the manufacturer, making carpets and cloths for him from the same wool, sixty per cent. He was assisted as to his hides (of which almost every agriculturist raised some) but five per cent., while the manufacture of leather from them, which the farmer was compelled to buy for his family, received thirty-five per cent. protection.

[Some senators here smiled, and said, Not his own hide.]

No, sir; as to that, he has been skinned so often, and so patiently, the high protectionists seem to imagine that, like the boy's eels, he will continue to bear it without complaint, because he is so used to it. No, sir; they are the hides of the herds that graze on his verdant pastures which are thus discriminated against; — and, though the hemp which may grow in the fields contiguous in Maine and Vermont, as well as in Kentucky and Missouri, is better protected, and so high as to burden much the ship-builder, yet the manufacturers using up that very hemp obtain for their cordage and cotton bagging over a hundred, and, in some cases, over two hundred per cent., more than the rate on the raw material. Again: the maker of brass kettles, an article so widely used, obtains from every purchaser the benefit of a duty of twelve cents a pound, while the raw material is imported free. The boasted protection to the silk-grower is of the same character, when, in household economy, the aged and young may economically raise cocoons and receive fifty cents a pound as a protective duty; but are obliged to pay the manufacturer on the very article made from those cocoons, and bought for their own wear, a protective duty of five times that amount, or two dollars and fifty cents. The specifications might be much further extended, did time permit; but the table itself is at the service of any gentleman who wishes to see all the cases, and there is annexed an enormous list of articles admitted entirely free, for the benefit of the manufacturer. (See Table No. 4.)* What has been the way in which the farmer was deluded to overlook this system of direct partiality against him and his great interests? It has been by keeping these unjust discriminations in the back-ground, and pushing forward cases

* Appendix, H.

of agricultural productions on which the duty was high, but which, as the chairman (Mr. EVANS) admitted, were articles so abundant here that they needed no protective duties,—no, sir! no more than the ice and granite of New Hampshire. Hence, when the producer of the raw material here (as in the former cases) finds it more difficult to grow and compete with the producer abroad, he receives less aid, or none; but when he can easily and abundantly grow an article, and compete with a whole world, without artificial protection, the friends of the American system offer to him very high duties. They sternly withhold what he wants, but kindly bestow what he does not want. It is a curious circumstance, also, that the agricultural articles favored with a higher duty are all those from which little or nothing is manufactured here; and hence the friends of the American system have no interest against their being high. Nor are the duties, in this last class of cases, made high for revenue, any more than for real and needed protection; because the aggregate imports of the whole eleven articles were, in 1840, but $71,547, yielding a revenue of not over one-third that sum, while the aggregate imports of only three of the fifteen other articles not protected fully or equally were fifty-seven times larger than all of these. The tendency, then, if not the object, of the duties which are high on agricultural products, is mere show, or visionary. It has been to throw dust in the eyes of the community on this subject, and sustain one of the delusions which has misled so many farmers into the erroneous belief that their interests were, in reality, protected as much as those of the manufacturers. In order that senators may see the particulars on which my remarks to this last point are grounded, here is a schedule of these articles, the duty on each, and the whole imports of them in 1840,—some reaching only the paltry sum of seven dollars, and some nothing. (Table No. 5.)* Now, sir, if, as a matter of fact, I have proved this bill to be shaped on a system of high discriminating duties for the direct protection of manufacturers, rather than all classes, and, in many respects, for that, and not for revenue, it follows, even if it be within the purview of any technical words used in the great charter of our liberties, that it is hostile to the spirit and the compromises which created, and which alone can sustain, that charter; hostile to the equal interests and claims of great sections, classes, and industrial pursuits; hostile to the true welfare of the majority of the whole, as a whole; and hostile to their harmony and peace, as well as the perpetuity of the Union itself.

I am aware that the preamble of the act of 1790 has been cited as an evidence that the direct encouragement of manufactures was one of the objects of that act. But when the rate of duties contained in it is adverted to (a skeleton of which he held in his hand — Table No. 6),† it would be seen that none of them was higher than a moderate revenue standard. Most of them did not exceed five and ten per cent., and consequently nothing could have been intended by them

* Appendix, I. † Appendix, J.

beyond that incidental encouragement to manufactures which all revenue tariffs must yield, when founded on pure revenue principles. Our fathers concluded to encourage manufactures, by collecting a large portion of their revenue from imports, rather than deriving it all from direct taxes and internal duties. Indeed, their rule, like mine, was to collect, if needed, all the revenue from imports, which will yield, without going higher in the rates than a revenue standard, and what is consistent with the preservation, in full vigor, of our foreign commerce. But all wanted beyond that should be obtained from other sources; and, happily, our lands will usually, with that, yield sufficient for all the expenses of an economical government in time of peace. It is not inconsistent with free trade that the imports help, in a due proportion with other property, to pay the public expenses.

But when, in 1794, and 1798, and 1812, our fathers needed more revenue than could be obtained from moderate duties, — no higher than a revenue standard, — they resorted for the rest to taxes on land and excise. Their actions spoke louder than any words, especially when the latter are open to misconstruction, and they never deemed it proper, under the spirit of the constitution, to encourage manufactures by express prohibitions of foreign articles, or by implied prohibitions, through exorbitant imposts of a prohibitory tendency. On the contrary, in all the pressure of a heavy Revolutionary debt, the large expenses of a *quasi* war with France, and our controversies with the Barbary powers, as well as our Indian border foes, they never, as a general rule, though needing more revenue, increased the rates of duty beyond fifteen per cent., or seventeen and a half, including the Mediterranean fund. Here is the evidence of the fact (See Table No. 6),* and it is conclusive proof that no such restrictive system for manufactures, like the act of 1842, was ever deemed within the true spirit and policy of the government. It is not a little curious, that, when annoyed by foreign prohibitory imposts, and with their own tonnage also comparatively small, neither Mr. Jefferson, in his able report, in 1794, on our foreign commerce, nor Mr. Madison, in his celebrated resolutions founded thereon, ever proposed any higher duties than ten or fifteen per cent., except as a mere war measure of retaliation; and that never, in fact, till war itself came, in 1812, with all its burdens and horrors, and the American protective system followed in 1816, — aggravated again till it became, in 1828, little, if any, less burdensome and terrific than war itself, — did any of the Revolutionary school of statesmen think proper to impose duties higher than fair revenue ones, or which tended, except incidentally, to protect any one branch of national industry, at the expense of the rest. It is still more curious, that even Hamilton — so much relied on by the manufacturers as an advocate of their system — argues strongly in the Federalist (p. 204) that the power given in the constitution to collect taxes from other sources than imports was meant to prevent such high duties on imports alone

* Appendix, J.

as would yield direct encouragement to manufactures, and injure commerce and agriculture, as well as revenue, and was with a view to enable Congress, rather than do that, to keep the duties at a revenue standard, and resort for additional means, if needed, to taxes of a different character. His words are these:

"Suppose, as has been contended for, the federal power of taxation were to be confined to the duties on imports; it is evident that the government, for want of being able to command other resources, would frequently be tempted to extend these duties to an injurious excess. There are persons who imagine that this can never be the case; since the higher they are, the more it is alleged they will tend to discourage an extravagant consumption, to produce a favorable balance of trade, and to promote domestic manufactures. But all extremes are pernicious in various ways. Exorbitant duties on imported articles serve to beget a general spirit of smuggling, which is always prejudicial to the fair trader, and eventually to the revenue itself; they tend to render other classes of the community tributary, in an improper degree, to the manufacturing classes, to whom they give a premature monopoly of the markets; they sometimes force industry out of its most natural channels into others in which it flows with less advantages; and, in the last place, they oppress the merchant, &c. &c." — *Federalist*, p. 204.

This is noble and manly reasoning, — considering it comes from one so often quoted as favoring the American system, — and is worthy to be written in letters of gold for the perusal of all its indiscreet friends.

Again: who of his school, who then ever dared to propose absolute prohibitions of foreign rival commodities, as is done in the absolute governments of Europe, and under the powers of the English and French governments, so much more unlimited than ours? Yet what is the difference in principle — in political substance and in morals — between a direct prohibition and one incidental by prohibitory duties?

And now, when old reasons for retaliation have mostly become obsolete, — the reasons of infancy in the growth of manufactures, so as to need direct aid, ceased, — we are driven into a prohibitory system more ultra than was ever before attempted in the worst times. Is this anomaly opposed now, or was it, in practice, opposed before 1816, because the friends of free trade then or now resist protection? No. They favor protection to the persons and property of all; that is, equal protection — equal justice. But what has astonished me most is, that in this debate, as well as elsewhere, attempts have been made to make the restrictive system lean on Franklin's staff for support; when, from early life, I had always supposed that the opinions of Franklin on free trade were decidedly of the Colbert and Adam Smith school; and that, so far from the free trade notions having originated, since his day, here, and being likely, in the views of the chairman (Mr. Evans), not to survive their authors, I thought they had lived already much beyond their authors abroad; and, as becoming better understood, were making converts on both continents, among the ablest minds, as well as the great masses of society. In order to see how the real truth was on this controverted point concerning Franklin, and the conclusions to which his great experience and unrivalled sagacity

had reached on this subject, I have taken some pains to run through portions of his works, and without giving much that is pertinent, will trouble the Senate with a few extracts from them.

In volume 6, page 157, he says:

"We see much in parliamentary proceedings, and in papers and pamphlets, of the injury the concessions to Ireland will do to the *manufacturers* of England, while the *people* of England seem to be forgotten, as if quite out of the question. If the *Irish can manufacture cottons*, and *stuffs*, and *silks*, and *linens*, and *cutlery*, and *toys*, and *books*, &c &c. &c., so as to sell them cheaper in England than the *manufacturers* of England sell them, is not this good for the *people* of England who are not manufacturers? And will not even the manufacturers themselves share the benefit? Since, if cottons are cheaper, all the other manufacturers who wear cottons will save in that article; and so with the rest."

Page 533:

"I am not enough master of the course of our commerce to give an opinion on this particular question, and it does not behoove me to do it; yet I have seen so much embarrassment and so little advantage in all the restraining and compulsive systems, that I feel myself strongly inclined to believe that a State which leaves all her ports open to all the world upon equal terms will, by that means, have foreign commodities cheaper, and sell its own productions dearer, and be on the whole most prosperous."

Volume IV., page 170:

"Perhaps, in general, it would be better if government meddled no further with trade than to protect it, and let it take its course. Most of the statutes, or acts, edicts, arrets, and placarts of parliament, princes, and States, for regulating, directing, or restraining of trade, have, we think, been either political blunders or jobs obtained by artful men for private advantage, under pretence of public good. When Colbert assembled some wise old merchants of France, and desired their advice and opinion how he could best serve and promote commerce, their answer, after consultation, was in three words only — '*Laissez nous faire*,'— Let us alone. It is said by a very solid writer of the same edition, that he is well advanced in the science of politics who knows the full force of that maxim, '*Pas trop gouvernor*,'— not to govern too much; which, perhaps, would be of more use, when applied to trade, than in any other public concern. It were therefore to be wished that commerce was as free between all nations of the world as it is between the several counties of England; so would all, by mutual communication, obtain more enjoyments."

As to this article just quoted, Mr. Whately drew up most of it, and Franklin revised and approved it, and it is published in his works.

Again, in an essay entirely his own (vol. v., p. 417 and 418), he says:

"Several of the princes of Europe have of late, from an opinion of advantage to arise by producing all commodities and manufactures within their own dominions, so as to diminish or render useless their importations, endeavored to entice workmen from other countries, by high salaries, privileges, &c. Many persons, pretending to be skilled in various great manufactures, imagining that America must be in want of them, and that the Congress would probably be disposed to imitate the princes above mentioned, have proposed to go over on condition of having their passage paid, lands given, salaries appointed, *exclusive* privileges for terms of years, &c. Such persons, on reading the articles of confederation, will find that the Congress have no power committed to them, nor money put into their hands, for such purposes; and that, if any such encouragement is given, it must be by the government of some separate State. This, however, has rarely been done in America; and when it has been done,

it has rarely succeeded so as to establish a manufacture which the country was not so ripe for as to encourage private persons to set it up, — labor being generally too dear there, and hands difficult to be kept together, every one desiring to be a master, and the cheapness of land inclining many to leave trades for agriculture. Some, indeed, have met with success, and are carried on to advantage; but they are generally such as require only a few hands, or wherein great part of the work is performed by machines. Goods that are bulky, and of so small value as not well to bear the expense of freight, may often be made cheaper in the country than they can be imported; and the manufacture of such goods will be profitable wherever there is sufficient demand. The farmers in America produce, indeed, a good deal of wool and flax; and none is exported, — it is all worked up; but it is in the way of *domestic* manufacture. The buying up quantities of wool and flax, with the design to employ spinners, weavers, &c., and form great establishments, producing quantities of linen and woollen goods for sale, has been several times attempted in different provinces; but those projects have generally failed, goods of equal value being imported cheaper. And when the governments have been solicited to support such schemes by encouragements in money, or by imposing duties on importation of such goods, it has been generally refused, on this principle, — that if the country is ripe for the manufacture, it may be carried on by private persons to advantage; and if not, it is a folly to think of forcing nature.

"Great establishments of manufacture require great numbers of poor to do the work for small wages; those poor are to be found in Europe, but will not be found in America till the lands are all taken up and cultivated, and the excess of people who cannot get land want employment The manufacture of silk, they say, is as natural in France as that of cloth in England, because each country produces in plenty the first material; but if England will have a manufacture of silk as well as that of cloth, and France of cloth as well as that of silk, these unnatural operations must be supported by mutual prohibitions, or high duties on the importation of each other's goods; by which means the workmen are enabled to TAX THE HOME CONSUMER BY GREATER PRICES, while the higher wages they receive makes them neither happier nor richer, since they only drink more and work less. Therefore the governments in America do nothing to encourage such projects."

But enough of this to remove doubts in the most incredulous. Having shown that the present tariff was framed for the real protection of only one class, and that this was contrary to the spirit of the constitution, and every principle of equal justice in taxation or protection, as well as contrary to the whole practice of the government for the first quarter-century of its existence, and when resorted to since had created intense excitement and wide dissatisfaction, till, after a few years, the Union became convulsed, and the system was abandoned,— I will next ask a few moments' attention to its character as a system, not for protection, but for raising revenue.

The senator from Maine seemed to consider it a good bill as a revenue act.

[Mr. Evans observed that, in answering the senator from South Carolina (who maintained that the act of 1842 was destructive to revenue), he had shown it increased revenue, but did not say it was exclusively an act for revenue.]

Very well, sir; I am happy to hear the gentleman admit that he does not defend the tariff as *exclusively an act for revenue.* This virtually concedes my former position, that it is, in many respects, a measure for protection. It is one of the peculiarities of this measure, that among manufacturers it is justified as an act for their protection, but in quarters averse to the protective system it is vindicated as a

mere revenue measure, and in a mixed audience it is defended as being intended for both — a little for each. If the argument anywhere presses hardest against its protective features, then it is insisted that no change shall be made, as it is excellent for revenue; and if hardest against its revenue character, then it is said to do so much good for protection, it must not be amended, or even discussed; and if it is unable to stand alone on either hypothesis, then the argument has been, as from the chairman (Mr. EVANS), that whatever inequality, injustice, imperfection, or wrong of any kind, is connected with it, is made reparation for by the aid it gives *in reducing prices, furnishing home markets*, employing more American *industry and less foreign pauper labor;* and, in various ways, more than remunerating the country, as a whole, for any evils it may happen to inflict on some of its parts.

Now, sir, let us test these matters on facts, and not broad assertions. Is it good as a revenue measure? and, if not, what is the extent of the evils it inflicts, whether as a protective or financial system? and are those evils compensated by any of the benefits that have resulted, or are likely to flow from it, if we forbear to amend it?

Several remarks have already been made indicating my views as to some of its objectionable features as a bill for raising revenue. What are the true elements and features of a mere revenue bill? In the first place, the leading object of a revenue bill is to obtain revenue equally; of this, unequally. A tax should be made to bear lightly as possible on consumers; this is to bear most heavily on them. The particular duties in numerous instances range ten, twenty, and even forty and fifty per cent. higher than the common revenue standard. I do not pretend that, like the dew-point or freezing-point, the financial scale can be mathematically marked, beyond which no duties should rise, on any occasion or under any circumstances. But I do insist that few nations, ancient or modern, have ever deemed it proper, for revenue, to exceed twenty or twenty-five per cent. The accustomed rate for that purpose has oftener (as here, from 1790 to 1812) been under twenty than above it; and when exceeding it, as sometimes in England, France, and Spain, and here since 1816, has usually been done avowedly for purposes of protection, and not revenue. It is now, in Prussia and Germany, no less than Switzerland, seldom as high as twenty per cent. Hence the compromise act of 1833 provided for a gradual reduction of our protective duties to revenue ones, and fixed them at a maximum of twenty per cent. And hence both General Harrison and Mr. Clay, in addresses before the election of 1840, expressed their satisfaction with the compromise, limiting imposts to that rate; because that rate not only would be likely to furnish revenue enough, with the public lands, for an economical administration of the government, but, coupled as it was with cash duties and a home valuation, would incidentally afford a large and equal protection, against foreigners, to all the producing classes, and

an ample one for any business which it would be profitable for the country, in its present position, to have prosecuted here.

Do any infer from this that I oppose the collection, in a proper way, of revenue enough, in time of peace, to prevent running in debt (as we lately have done) twenty-seven millions? or, however anxious to relieve labor and the necessaries of life, to defray all honest debts rather than resort to an odious evasion by *repudiation*? or to sustain in due vigor all the useful establishments of the country, with public credit, public faith, and public honor? Far, far from it. But collect it on revenue principles, and in a true revenue way.

In the next place, the present tariff is bad as a revenue measure, by attempting to collect more from the owners and consumers of foreign imports than an equal or proportionate burden on that kind of property. Being often sixty to one hundred per cent. in particular cases, and thirty-seven per cent. on an average, it is much higher than taxes on other property in society, looking either to value or income. And, though, under our double systems of government, I do not contend that all the revenue for the General Government may not be collected from imports, if it does not put them above twenty or twenty-five per cent.,—leaving lands and other property to be taxed by the States,—yet imports should pay only a fair proportion. It is another objection to this bill, as a fiscal one, that if we are to receive under it all the revenue its friends anticipate, we shall collect a larger proportion of the monied taxes of the whole country from customs than it is usual to collect in most other governments. In France, only about thirty millions of dollars (or one-eighth of their whole income) is collected from customs,—over one hundred and eighty millions being from other sources,—while in England, little over a third of the whole taxes come from customs, and, including tithes and the poor rates, probably not one-third. But here, at least half of the whole would be derived from customs, as all our monied taxes in the States are not computed to average over one dollar per head, or eighteen to twenty millions of dollars in the aggregate. If you will, then, push our national expenses so high as not to be able to get sufficient revenue at a rate of twenty or twenty-five per cent., I say it is sound political economy to go for the rest to the other sources of revenue which the constitution has conferred, and for that very purpose, and to act, in this respect, as our fathers were wont to do in 1794, 1798, and 1812.

But other and paramount objections to the present tariff are, that it taxes articles of trade so high as to tend to break up trade itself; that it taxes necessaries higher than luxuries,—as before explained, that it taxes the person in its operation, rather than property or ability to pay; and, in many cases, by one specific duty, collects from the consumer, in middling or indigent circumstances, as large a tax on a coarser and cheaper fabric—such as shoes, flannels, etc., worn by them—as on a finer and more costly one of the same name, worn by the rich. The only effectual mode of preventing partiality and

oppression in such bills is to fix a liberal maximum of twenty or twenty-five per cent. Within that, the duty may well fluctuate, rather than be rigidly horizontal, if revenue objects require and admit it; so as to relieve necessaries some, if practicable, and favor the needy rather than wealthy, and graduate most, if not all, duties on a scale *ad valorem*,—so that the people can know the true extent of their burdens, and each pay only in proportion to the value of what he consumes.

To illustrate the tendency of varying the amount of duty on particular articles beyond a certain ordinary and settled standard for mere revenue, and on revenue principles, do not gentlemen see, that if you can depart from that, and go far above it, for protection to one class (such as the manufacturers) at the expense of others (the farmers), you may, as in England, by the odious corn-laws, depart from it for the benefit of the land-owners, and at the expense of the manufacturers?

If such enormous high duties as disfigure the present tariff can be imposed on particular articles even for revenue, much less protection, do not all see that a door is also opened to equal if not greater injustice another way? Cannot a few articles be thus selected for revenue, and others left free, or at a low rate, where the articles selected are consumed chiefly but in one section of the country, or by one class of the community; and when those being necessaries are not able to be dispensed with?—and thus a dominant party or section force most of the public burdens on their opponents? This is not to be tolerated a moment, even for revenue, on any sound principles of taxation.

Again: as a revenue measure, it has not yet been able to meet the wants of the government. Deficiencies have already occurred, and been supplied by loans, in a period of profound peace; and the proper official organ of the government informs us, in his annual report, that more deficiencies are likely to occur, both in this and the ensuing year. Whether the Secretary of the Treasury was correct or not in his estimates (and I know, from experience, there is no little difficulty, in periods of fluctuation, in forming accurate opinions as to the future), it was safer for us to take, in the main, the official data. Certainly the tariff has not yet yielded so much, by five millions, the last year, as some of its friends estimated in 1842; and if the large returns from New York for January be hastily looked to as a guide for the whole year, the aggregate revenue from customs will, in 1844, exceed forty millions of dollars,—exceeding the previous estimates of the chairman near twenty millions.

[Mr. Evans said he disclaimed considering them a guide for the whole year.]

I think it will be prudent not to consider them so, or we must anticipate another ruinous revulsion, ere long. Besides all this, the revenue in different quarters has already so fluctuated, under this bill, as to vary a million or more,—sometimes lower and sometimes higher

in each,—ever since its passage, and precludes any reliance on its steady operation. It is a mistake, too, that raising the duties so high as these are, for protection, is likely to raise much higher the aggregate of revenue than it would be if none exceeded thirty per cent., when we look to its tendency to check and reduce importations, and to encourage smuggling. Their increase during the last few months has arisen from the impulses given to the commerce of the world by opening new markets, and the low rate of interest for capital to embark in new enterprises, rather than from any benefits to the revenue or business generally, by so high a tariff.

At the very moment while we are deliberating, the returns of the receipts from customs in England, the last quarter, also show a considerable rise; and of the last year, if deducting the revenue on corn, accidentally high in 1842, a larger rise still. But these results have happened there after a reduction of the rate of many duties, leading to a larger consumption, showing the reverse of what is argued as the cause here. But, in truth, the opening of new markets in Asia, among three or four hundred millions of people, or near half of the whole human race, has done much more, both in Europe and America, to revive business and increase revenue, than any changes in duties, though the reduction of them in England has tended to increase both consumption and revenue. There had been very striking illustrations, in the case of teas and spirits, of an increase of revenue in the aggregate, after a reduction in the rate of duties. (See several instances in Porter's View.) I will not detain the Senate by specifying but one, in the case of coffee, which, in England, on a duty of fifty per cent. less in 1840 than in 1824, had become so much more imported and consumed as to yield more than double the amount of revenue. The rise in revenue supposed to have taken place here in a series of years after the increased rate of duties in 1816, and in consequence of it, is another error into which the senator from Maine has fallen, I presume inadvertently; for the truth is just the reverse, and is a strong proof that a protective tariff like ours tends often to reduce the aggregate.

Thus the net revenue from customs in 1817 was about twenty-six millions and a quarter,—which, on the credit system then in force, had accrued chiefly on the imposts and tariff in force in 1816. Now, so far from its rising above that sum under the higher duties of 1816, or the still higher of 1824, or even of 1828, it had, in 1818, fallen to about seventeen millions; and had never again equalled twenty-six millions till 1832; and then had become larger, not by means of more natural business and of higher duties, but by much larger imports, artificially swollen, to bring home the proceeds of State loans abroad.

[Messrs. Evans and Huntington asked from what source Mr. W. derived his data as to the duties, since the documents appended to the last report of the Secretary of the Treasury did not give like amounts.]

I quote from the official receipts and expenditures, published in 1842, page 242; and, if the two differ in some details, they both

agree in the general results I have stated. And as to the increase of imports, and consequently revenue, by means of the State debts, Mr. Gallatin and others have computed that, during eight or ten years, after adding seven and a half millions annually for profits, freights, &c., on the exports, the aggregate of imports, over and above that, had been near one hundred and thirty millions, or the estimated amount of State loans effected abroad within that period. If we look to naked figures, without examining into causes, and extending research over several years, we are likely to be constantly misled; but, looking to causes, all becomes consistent and reconcilable with sound principles.

For these reasons, without specifying others, the present tariff is exceedingly defective in its character as a revenue measure, and ought to be amended. But there are other and more particular reasons against its operations on the community,—whether regarded as directly protective or fiscal,—which require its whole form and substance to be modified, and for which it contains no redeeming qualities sufficient to reconcile us to its continuance.

It is so framed as, in fact, to impose a heavy burden on large classes and sections of the country, and thus to operate in favor of small classes and sections, rather than for the treasury, or the people, as a whole.

Let us look to the evidence of this. Its average rate of duties is so near forty per cent., that, for convenience in computation, that rate may be used. Now, sir, calculating that under it we import and consume only thirty millions of foreign merchandise similar to what is manufactured here, the tax on that would be twelve millions of dollars; whereas a revenue duty on it of twenty per cent., for the benefit of the treasury, would amount to only six millions, and the other six are paid for the benefit and protection of the domestic rival manufactures.

In the next place, as this tax of forty per cent. usually enhances the price of the articles to that extent, these similar domestic manufactures are raised also in price in a like proportion. This must be the case, or a higher tariff would be of no use to the makers of those articles. Now, those similar domestic manufactures made and consumed in this country equal in value annually about two hundred millions of dollars. Forty per cent. on that is eighty millions; but, as half of it would be gained by an incidental and necessary, equal and proper protection from a twenty per cent. revenue tariff, the only addition to the public burdens, by the partial and high discriminations, is forty millions, making, with the other six, about forty-six millions paid yearly for the benefit of the manufacturing classes. As those classes constitute only one-eleventh of our whole population, ten-elevenths of the sum is paid by other classes, for the benefit of merely that one-eleventh. This is a monstrous burden imposed on the others, higher than all their other taxes, both to the State and General Governments, without computing profits on it by wholesale dealers and

retailers. If this money was carried out of the country yearly, that circumstance would much impoverish it; but, being only a tribute on some here for the benefit of others here, the money remains within our limits, but still it is deliberately fleeced from some and transferred to others.

If those others, in such favorite occupations, do not thereby grow so wealthy and powerful as some suppose, it is not for the want of protection enough, but, as will hereafter be explained, from the fluctuations in their business caused by these same high profits, and the frequent changes in machinery, and the losses by abortive experiments, or the want of skill in the management by some persons and in some places comparatively inexperienced.

Now, could such a system, so unequal and anti-republican as this, and so oppressive to ten-elevenths of the people, stand a single hour, if the facts were accurately understood? No, sir, no! But the fallacy is widely circulated, that the increased duty, rather than enhancing the price of articles, reduces it; and when that paradox does not gain full faith, from its contradictions to experience and common sense, as well as theoretical reason, it is urged that the apparent beneficiaries of the tax are not alone aggrandized by it, but the whole country made more prosperous, and better able to pay enhanced duties and prices.

Let us scrutinize this delusion a little. That higher duties make prices lower, is, in the philosophy of the American system, the elephant on which stands their whole globe. It is entirely a discovery, not to say *invention*, of its supporters. Abroad, the idea is deemed preposterous. It is a matter of course in general principles, — and Adam Smith, Ricardo, Huskisson, McCulloch, Tooke, and many others, make their calculations, — that an enhanced duty augments the price just as naturally as that higher rents, or wages, or interest, tend to make an article cost more, — just as naturally as more fuel added increases the fire, more rain raises the streams.

Franklin, in this country, as we have already seen, says that high duties on the importation enables the manufacturer to *tax the home consumer by greater prices.* He could draw lightning from the clouds, but he could, with all his ingenuity and skill, draw no other conclusion than this from high duties. It may be sometimes true, as an exception, that in a glut of the market the importer may not be able to sell at an enhanced price, and must then sell at a loss, if at all. Every one can see, however, that this is only temporary and occasional. For a new high duty, which, as the senator from Maine supposes, may at first raise prices, and thus check sales, will, if they afterwards fall, from the market being overstocked, bring them at once up again, as soon as the supply is less and the manufacture less, as is usual after such a glut. This brief fall in price, too, whenever it happens, will, for a like reason, cause a corresponding fall in the price of the agricultural production to be exchanged for the manufacture; and,

in that case, it will require no prophet to foresee that such a fall injures, in its consequences, rather than benefits, the producer. The action of everybody in daily life contradicts the whole position on the other side, that, as a general principle, prices are permanently reduced by higher duties; or why do persons, after high duties, smuggle? If they make the prices here lower, the smuggling would be the other way. Why, also, are our tables loaded with memorials asking for drawbacks, or to remit duties on railroad iron, if they make its price lower? Why do nations ever retaliate against others by imposing higher duties, if it makes their articles lower, and hence more in demand for consumption? Indeed, why do the manufacturers themselves ask for higher duties on the manufactured articles, if the price is not thereby increased? And why ask for low duties, or entire freedom to the raw material, if it be not thereby made lower? (See Table No. 4.)* And why oppose a reduction, as now, if that reduction would not tend to reduce prices? What, sir! have we not the resolution of the high-tariff legislature of Vermont, just offered here, to continue the present high duties on wool? And why is this, except that, in their opinion, frankly admitted, the price of that great staple with them has been thereby enhanced? The whole misconception, beyond the slight temporary exceptions before alluded to, appears to arise from what undoubtedly is a fact in this country, that most manufactured articles have fallen throughout the world since high duties had begun to be imposed, in 1816. But, in the first place, a fall in many of these commenced before 1816; in the next place, every sequence was not a consequence; everything after an event did not happen on account of it, or we might attribute this fall to the war of 1812, or the great eclipse of 1806, as the fall had occurred after both. In cases like these, we must probe to the bottom and eviscerate the true causes and consequences of events, and not virtually take up the irrational, if not absurd idea, that high national taxes of any kind are a blessing, any more than that a great national debt is a national blessing.

It was, on some accounts, perhaps, unfortunate that this notion had not been discovered earlier, when our fathers considered themselves so much oppressed by a higher tax on *tea*, and when the French so grievously complained and rebelled against the *gabelle*, or high salt tax; none of them being so long-sighted then as to dream that the prices were thereby reduced. But, seriously, Mr. President, if any still doubt on this subject, let them look a little into the cautious and well-considered work on prices which I hold in my hand, by Tooke (edition of 1838), not swollen with loose theories, but facts, — recorded and authentic facts, — giving the history and causes of the fluctuations in prices in England, during the last half-century. It never entered his imagination, because they rose generally from 1795 to 1815, and fell generally from 1815 to 1842, that this proceeded at all from lower duties in the first period, or higher ones in the second. The fact as to

* Appendix, H.

duties was, in most cases, directly the reverse. No, sir; the true and general causes of a fall in prices are, first, a greater quantity of the article produced, without a greater demand; — whether produced in agriculture, by more fertile seasons, better manures or tools; or in manufactures, by improved machinery, with chemical discoveries; or in both, by more hands released from war and other unproductive employments, and devoted to either of those pursuits; — and, secondly, by a contraction of the amount of the currency, whether paper or specie, by which the price is measured; while a rise happens by the reverse of these, or an addition to the tax or expense in making the articles, or the opening of new and better markets. Hence, if a fall occurs from one of the first causes, it would be still greater if none of the last intervene to counteract it in any degree, — such as a higher duty, an expansion in the currency, or a new market. But these last may, and do, in some cases, not counteract it entirely; and then the cry is, that the higher duty lowers the price, when, in fact, the other causes exist and lower it, — and would make it lower still, but for the higher duty.

How unphilosophical it is, likewise, when good, pertinent, and long-established causes exist to lower prices, to hunt for another cause, not certain or rational, and conjure that up as the true one!

But, enough on the reasoning connected with this fallacy, so wide, and so pervading the ranks of the friends to high protection, and which, if removed, the whole fabric must totter to its base. How are the recorded facts, no less than the reasoning? Not a single case here and there, and for a month or a year; but how, on both continents, and for a long series of years, and as to numerous articles? I have before me various schedules of prices-current, both in England and America. They all show conclusively that, since 1795, from the causes first named, agricultural products in England have generally risen, though the highest duties have been imposed there for their protection; they, rather than manufactures, being there the pets or favorites for protection with the great landed gentry and aristocracy, that fill the two Houses of Parliament. At the same time, they show that, from the first-named causes, and especially improvements in machinery and in chemistry, manufactures have fallen in price, — and this when the duty was low, as well as when high. (See Tables 7 and 8.)*

Indeed, the difference between the official and real valuation of exports there, which indicates on the public and authentic records the changes in price since 1690, shows that the whole, from various causes, have fallen, in the aggregate, something like fifty-eight per cent. The writer before me says:

"We have taken out of the list of exports the leading articles of agricultural produce for three years (1840, 1841, 1842), the value of which we find would have been, in 1694 (one hundred and fifty years ago), £1,557,993; but which have now increased to a value of £3,778,321, being an advance in price of 143 per cent.

* Appendix, K and L.

"We have also taken out some of the leading articles of manufactures for the same time, the value of which we find would have been, in 1694, £267,636,717; but which are now reduced to a value of £107,173,382, being a reduction of price of 60 per cent. Thus showing that, while manufactured goods and minerals have fallen considerably more than a half, agricultural produce has much more than doubled its value.

"Butter and cheese have risen in price, during that period, 193 per cent.

"Corn, flour, &c., have risen 161 per cent.

"Cows have risen in price 209 per cent.

"Horses have risen in price 267 per cent.

"Wool has risen in price 169 per cent.

"While cotton manufactures have fallen in price, during that period, 73 per cent.

"Coals have fallen in price 60 per cent.

"Iron and steel have fallen in price 45 per cent.

"Linen manufactures have fallen in price 36 per cent.

"And, what is very curious, while wool has risen 169 per cent., woollen manufactures have fallen 10 per cent. in price."—*Economist, Nov.* 4, 1843.

In the United States, prices-current in Boston and New York, for a long series of years, as to numerous articles, have likewise been examined. They show a general fall in price here of agricultural articles, not prevented entirely even under an expanded currency in 1814 and 1836. But this fall has occurred from great and cheap production on our cheap and fertile and extensive soil; and could not happen from high protective duties, they having been low on such agricultural products as are much imported, or entirely free on several of them.

These tables showed, further, a fall in some manufactured articles where the duties ranged high, and in others where low. But this fall manifestly happened from improvements in machinery and steam (the great and distinguishing features of the age), or from new mines opened; and in spite of high duties, rather than being their consequences. Think you, sir, that a minimum duty on cottons here has caused the fall in their price in both Europe and America, rather than the inventions of Arkwright in spinning, or Cartwright in weaving, or Watts in steam, any more than the duty here on the raw material has caused its fall two-thirds, rather than the wonderful cotton-gin of Whitney, and our exuberant soil? The tables compiled from McCulloch, Tooke, and the prices-current in New York, are at the service of any senator. (Nos. 7, 8 to 11.)* I shall not repeat their details; but merely state, as most striking refutations of the theory on the other side, that in England the manufactured article of saltpetre has fallen more than most others,— viz., from one hundred and thirty-five shillings per hundred weight, in 1795 to twenty-one shillings, in 1838, —*though on a low duty;* and log-wood from eleven shillings per ton to seven, *though free;* and salt from six shillings, and during war nineteen shillings, to only one shilling and threepence, in 1838, though then entirely free. The first was manifestly caused by improvements in chemistry, and new discoveries; and the two last, as in this country, from new and greater supplies, combined with lower

*Appendix, K, L to O.

duties there, and in spite of high ones here on the great condiment of life.

The tables in second Tooke, 390 p. (edition 1838), show further that the price of timber has risen under a rising duty, and tobacco not risen nor fallen, though taxed with a duty computed by the chairman at two thousand per cent. One would suppose the last high enough, on his theory, to make the price fall next to nothing.

Here plaster of Paris, though free, and not a manufacture, has fallen as much or more than others, viz., from twenty dollars per ton, in 1811, to only two dollars and twenty-five cents, in 1844; and, of course, from other causes than high duties. Indeed, out of two hundred and sixteen articles on which prices had fallen some years since, as large a number were ascertained, by the late inquisitive Condy Raguet, to be such as were free, or on a low duty, as on a high; thus indicating, with unerring certainty, the great and general operation of other causes. All can remember how the price of sugar fell, a few years ago, here, under a falling duty; and how it has risen again, like the Vermont wool, and cordage, and cottons, under a higher duty. Not that all articles are falling or rising, in all cases, entirely from the change in duty, but always higher than they otherwise would be if a duty exists, and lower than they otherwise would be if one does not exist. Indeed, the great advocate of the protective system (Mr. Clay) at last virtually conceded away this whole ground, in 1832, by expressing a willingness to reduce several of the high duties so as to *relieve the consumption* of the country; but which could not be thus relieved unless high duties had made prices higher,—proving, in these ways, the position that prices of articles are usually made higher to the extent of the duty. It then follows that the consumer of such articles is usually obliged to pay as much more for them on that account. Such is the plain common sense of the case. Such is the doctrine of all the leading economists abroad, as well as of Franklin; and even Hamilton was forced to admit that this was oftenest the case, and when not so, the increase fell on the merchant, and was still more ruinous to him. (See Federalist, before cited.) Mr. Dallas entertained a like idea. (See Report, February, 1816.) And it can never fall on the foreign producer any longer than to affect his present stock in a few cases, till he reduces his production, and thus prevents a glut.

It then follows that, as a general principle, the enhanced price of the foreign article, and also of the domestic article, is paid by the consumer. This, we have already shown, equals here now, beyond a fair revenue, about forty-three millions of dollars yearly; and, as the manufacturers constitute but one-eleventh of the whole, ten-elevenths of it is paid by other consumers, and for the benefit of that one-eleventh. As most of these others belong to the agricultural classes,—they being nearly three-fourths of all our population,—the great mass of this enormous burden is thrown on them, and must induce them, in time, as the real facts are well understood, to demolish the whole sys-

tem of partial protection, and require, as some of us do now, that a tariff for such protection be corrected, without unnecessary delay. What does it amount to per head yearly, including their families? Over two dollars to each man, woman, and child, on an average. What, in the gross, are the present duties on a few separate articles of great, vital, and universal necessity? On iron, at twenty-five pounds per head, it is five hundred million pounds for our whole population, now twenty millions of people; and the tax on this, at only three cents per pound, is fifteen millions of dollars, ten-elevenths of which is paid by others than the manufacturers. On sugar, at fourteen pounds per head, at two and one-half cents per pound, the tax is seven millions of dollars more; and on salt alone, without going into other articles, it is, at a bushel per head, quite a million and a half of dollars.

As an illustration how this presses on my own State, with a population of about 300,000, and the large mass of them farmers, the tax for iron alone equals $225,000, or four times the amount of the whole State tax; on sugar $109,000 more, and on salt $24,000,—making, on only three articles, an aggregate of more than a third of a million, and near seven times the whole of what is technically our State tax.

None of our population get relieved from this, except the few who make of these articles as much as they consume. All can see, in a moment, how this prevents the consumer from being able to buy, or enjoy, or lay up so much, with the same money and means, as he otherwise could; for, by the rise of price, he gets but three or four pounds of iron, sugar, &c., for the same money or value of produce, where before he got five,—the cost of the difference going to the manufacturer and the revenue. The whole Union, as consumers, and so far as not makers of such articles, feel the discriminating oppression; and are thus, in the north as well as the south, the east and the Middle States, as well as the giant west, all suffering under its unequal bearing, by means of the present tariff.

But look at another aspect of the inquiry, as affecting the producing classes. The producer is usually a farmer, or planter, or manufacturer, though those connected with the last class are only about a million and a half to twelve millions and three-fourths connected with the two former. Now, if the producer has to pay forty per cent. more on many indispensable articles which he consumes, it will soon be manifest that, unless a manufacturer, and thus indemnified, he suffers doubly under this system, and especially as compared with any other consumer.

I shall not now enter into any technical reasoning about what is called the *forty-bale theory*, though it would be troublesome to defeat by argument the cogent reasoning of the senator before me (Mr. McDuffie). But this much is demonstrable, that such producers are first burdened and injured by the higher price of what they consume. Whether they purchase it here with money, or bring it home in exchange for what they produce and send abroad, the consequence is

the same,— that they get less in amount for consumption; and when it is argued that, in such a case, they had better not use foreign articles so raised in price, but bring home money, pray what is to be done with the money? — not eaten, nor worn, but some of it exchanged here for necessaries or luxuries; and, whether of domestic or foreign manufacture, enhanced in price so that he cannot procure or enjoy so many of them. It is this excessive *taxation*, in all possible ways, on the producer in England, that tempts Parliament to continue the corn-law duties, with a view to remunerate the agriculturist, by higher prices, thus caused, for his great staples. And yet, after all that, having (as he has almost) a monopoly of food, he grinds the laborer into riots and incendiarism; while the manufacturer — not so much the pet there — works so near the minimum price necessary to sustain life, that a bad harvest and rise in food, or a rise in cotton and a glut of markets, so as to diminish manufacturing, throws millions upon public charity for their daily bread. Much of these crying evils arise from excessive taxation in various ways, and especially high duties on corn,— some bearing on one kind of produce and some on another,— and all fall there on the humiliated laborer, whether engaged in manufactures or agriculture. The relief there, as well as here, is the great problem; and it is to be found in reducing and not raising taxation, and furnishing both bread and clothing, as well as all other materials, each from the places where they can, in the present state of society, and without forced means, be made cheapest. Then, God's bounties, in every climate and stage of improvement in society, will, by commerce, become interchanged and universally diffused, and the whole human family be blessed, rather than oppressed, by each other's advantages and excellences.

Proceed, then, and lower the highest duties here, and the revenue would still be sufficient; and, other things remaining unchanged, the laborer, as well as producer, will be able to consume not only as much more as the difference of duty would buy, but industry and the prices of his own products will be so increased to the producer that he will be able to buy much more. A most memorable instance of a change in this respect occurred in the case of coffee in England, of which, under a high duty of two shillings and sixpence per pound, in 1824, when foreign, and one shilling when colonial, but 8,262,943 pounds were consumed. But the duties being then reduced one-half, the consumption, from that and other causes, increased, by 1840, to 28,664,336 pounds. [Mr. Evans here asked if England produced any coffee; to which Mr. Woodbury replied, that she produced some in her colonies, as well as sugar.] It is a remarkable fact, that, the duties remaining high during that same period on sugar, the consumption of it fell off 377,302 hundred weight.

Producers are next suffering by not being able, under high duties, to purchase lands and stock and hire labor to the extent they otherwise might, in order to increase the quantity of their produce. It is

also certain that, under this system, produce is likely to sell for less, because their markets abroad are exposed to be cut off and diminished much more than under a system of low duties and liberal reciprocity.

Thus it is that the great agricultural producers in the south and west feel so deeply the evils of this system, having little or no remuneration for them, or relief from them, as the manufacturers themselves have, and, in some respects, in the north, part of those living in their immediate neighborhoods. And if it were not for the low price of lands in this country, and their virgin richness and blessed fertility, the distress and prostration would, in past years, with farmers, have been much severer.

Next, their markets are thus exposed to become cramped or deteriorated, under retaliations; and the great principle of trade is acknowledged now, by most people, as laid down by Franklin,— that commerce must, in order to flourish durably, consist of mutual exchanges. Writing to a French gentleman, he says, (vol. v., p. 369):

"We are much pleased with the disposition of your government to favor our commerce, manifested in the late *règlement*. You appear to be possessed of a *truth* which few governments are possessed of,— that A must take some of B's produce, otherwise B will not be able to pay for what he would take of A."

The evil operation, naturally attendant on a high and discriminating tariff, to injure all markets abroad, is one which presses hard on the friends of such a system. And hence it is a favorite ground assumed by them, that the foreign markets are of trifling consequence to the producer, compared with the domestic or home market, and that they but little affect his prices; and that their system furnishes a demand so much better for all produced as to atone for the loss of all markets abroad.

Now, sir, as these positions are deemed, by their authors, great pillars to support the protective system, I will ask your indulgence a short time, in order to expose how utterly unfounded they are, on the real facts applicable to them; and to show afterwards the further evils of this system to navigation and the fisheries, and even to sound manufacturing industry, no less than to the great classes of consumers and producers, so as to be entirely unatoned for by any benefits really resulting from it.

In pursuing this discussion further, Mr. President, in the manner I have proposed, I should be trespassing uselessly on the patience of the Senate, if my best endeavors were not exerted to elicit truth. I would try to settle contradictory opinions as to some facts, by a fuller and more dispassionate consideration of them; and, if possible, reconcile a majority to such changes in the existing tariff as are, in painful sincerity, believed by me to be necessary for the preservation of sound principles in taxation, equal justice to all, and the prosperity and peace of the country.

The idea that our foreign markets have not improved under the low-

ering duties from 1832 to 1842, compared with what they were the ten years previous, under higher rates, is very erroneous.

The value of domestic produce exported in 1822 was $49,874,079, and in 1832 but $63,137,470, or an increase of only about twenty-five per cent.; while in 1842 the value was $92,969,996, or an increase of nearly fifty per cent. If the aggregate of these exports in all the first ten years was compared with that of the last, the increase in the last over the first would be nearly one hundred per cent. Some had supposed that this increase had been confined to southern staples alone; but while cotton had augmented, rice and tobacco had been nearly stationary. And the great staples of the west, and Middle States, and north, not consumed by the south while making the cotton, and thus obtaining a larger and better market through the cotton raised and sent abroad,—such as the exports of breadstuffs, pork, lard, beef, butter and cheese, lumber, lead, and even of manufactures,—have augmented.

Indeed, almost the whole of the fourteen and a half millions of pounds of lead we now send to foreign markets have sprung up within the last ten years; and, as shown in the table before me, even within the last three our exports of beef have trebled. So of pork and lard, and also of butter and cheese. (See Table No. 12.)*

Again: an impression had, by some, been sedulously inculcated, that England took little or nothing of our domestic products for herself and her dependencies, and therefore we ought, in retaliation, to tax high her manufactures. I am not the apologist of either England or France, in their ancient commercial policy, in some respects, towards this country; but it is due to historical truth and justice to admit that, of late years, they take large portions of our surplus produce, being our two greatest markets in the world.

In respect to England, when buying our productions which are not luxuries,—like tobacco, standing on a peculiar and different basis,—she takes them on duties not usually so high as our own, and recently under several reductions, which we have very illy reciprocated by the present higher tariff. Let us test this by evidence, for I ask nothing on naked assertion. I hold in my hand statements of our exports of domestic produce to England and her dependencies, in 1822, 1832, and 1842. (See Table 13.)†

They increased about twenty-four per cent. in the first period, but over forty per cent. in the last one; and they considerably exceed one-half of all our exports of that kind to all quarters of the globe. Is this nothing, as a growing advantage, by way of market, to all our producers, and to be encouraged by reciprocal liberality?—especially when we recall to mind the further fact that she takes even more of us, yearly, than we do of her, to the extent of four or five millions of dollars. Is not this such a favorable balance of trade to us, and such a large market,—more than all the rest of the world,—as to deserve

* Appendix, P. † Appendix, Q.

some little regard and conciliatory spirit? Yet the policy of much of the existing tariff is, on the contrary, almost vindictive towards her chief productions. Again, as shown by my friend before me (Mr. McDuffie), she takes of our cotton over $30,000,000 a year, nigh two-thirds of the whole amount exported,—our greatest article sent abroad; and in which not South Carolina alone is interested (as many affect to suppose), but still more Georgia, Alabama, and Mississippi, with parts of North Carolina, Louisiana, Tennessee, and Arkansas, as well as, indirectly, every other State which furnishes to them supplies, agricultural or manufactured.

Beside this, and more than one-fifth of our rice exported, she takes over one-third of the tobacco, and has always been one of our largest customers for both; thus presenting, in spite of her large duties on the last as a luxury, one of the best markets for the great production of still other States, including Maryland, Virginia, Ohio, and Missouri. But it is often alleged that she takes little that is the produce of the free States, and particularly of breadstuffs, pork, beef, &c.,—more directly interesting to the central States, those beyond the Alleghanies, —and the agriculture, fisheries, and manufactures, of the east. Fortunately, sir, when we take the trouble to scrutinize the official documents, this delusion becomes entirely dispelled.

In 1822, when we sent to England and her dependencies not one-third of all our exports of flour, wheat, corn, and other breadstuffs, her harsh system of corn-laws had recently been adopted on the same high protective system in favor of her agriculture which we ourselves have so indiscreetly introduced in the present tariff to aid our manufactures. But, notwithstanding the just complaints against that system, our intercourse through her neighboring colonies, from which the duty is lower, and our proximity to her West India islands, gradually enabled us to send to her and her dependencies, at a profit, over one-half of all those exports; and, by 1842, over two-thirds of the whole, and equalling in value fifty per cent. more than all the tobacco and rice sent to them.

In fine, she takes largely of our beef, pork, and dairy; also of the products of our forest and the ocean, and even of the factory, as well as of raw cotton and grain. And her increased and increasing demands for most of these, if not repulsed and thwarted by high tariffs, rendered this consideration a momentous one, not only to the south, but to all the grain-growing States, whether on the Atlantic or on the rivers and lakes of the mighty west, and gave it an interest to every farmer and fisherman, and many a mechanic, in the valleys and on the hill-tops, on the sea-shores and in the villages of the busy north. Without dwelling too long on details, the value of beef now taken by her is double what it was in 1822; the pork and lard, near two hundred per cent. more; and the butter and cheese, near six times as much; while, from our forests, she purchases near one-fourth of what we export in lumber, and six-sevenths of all our tar and other naval stores.

[Mr. Benton. Please to repeat that.]

Yes, sir. She takes quite six-sevenths of all our naval stores exported; and though that is important to your native State (North Carolina), another fact is becoming still more important to the State of your adoption,— to Missouri,— and also to Illinois,— that, instead of now importing most of our lead from England, we supply from our own mines, on account of their natural fertility, and not by hot-bed protection, firstly our own great wants, and next, send it across the equator,— double, with it, both the Cape of Good Hope and Cape Horn, and supply China, as well as the Sandwich Islands of the Pacific; and last, but not least, send to England herself near one-sixth of the whole we now export, while in 1822 she took not a pound, and in 1832 but twenty-two dollars' worth.

From our fisheries she takes, also, half the sperm oil we export, instead of nothing in 1822, and but a pittance in 1832. But let me ask the gentlemen on the other side if even the manufacturers would be quite as well situated as to a market for their eight or nine millions of exports, if England and her dependencies were not open to many of them? She has admitted even our cotton manufactures into India, and some of them were used to help to clothe the very troops that marched to Afghanistan. She takes an increasing quantity of our domestic salt in Canada; from one to two hundred thousand dollars' worth of our nails in her West Indies; more and more of our sperm and tallow candles; a third of a million of our manufactures from tobacco; and very considerable proportions of the soap, leather, shoes, boots, &c. &c., which help to swell the exports of our domestic manufactures.

But, not to be tedious on this point, mark the contrast, also, in the present rate of her duties on many of these articles. On the greatest, — cotton,— only seven and a half per cent.; on lard, only seven per cent.; on wheat, into Canada, only seven cents per bushel; on beef and pork, but two cents a pound; and cheese, but two and a quarter cents. This will not be much over twenty per cent. on the whole of them, and some calculators have been enabled to push her average duties higher on articles which we raise only by including tobacco,— which is taxed high there as a luxury, and to bear on the rich,— and some other articles, such as spirits and cider, which could not fairly be taken into the account, we ship so little of them to England, any more than cotton cloths, though only taxed fifteen per cent.; woollens, but ten per cent.; linen, fifteen per cent.; and iron, but eight per cent.

Embracing corn, and their higher duty on our direct export of it to England, the average rate on the first class of articles would not rise to twenty-five per cent., as wheat, at the average price there, pays only about thirty or thirty-two per cent. duty, ranging lower or higher by a sliding scale, as the price there may rise or fall. To show what great advances she has recently made in relaxing her restrictive policy by reducing her duties on articles which were high, and many of which greatly interest us, I have her old and new tariffs before me, and have

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placed several instances in parallel columns, for convenience in reference, if any senator chooses to examine the matter further. (See Table 14.)*

Perhaps one reason, among others, why the corn duties have not been more relaxed, is the continued high discrimination which we still persist in against manufactured articles such as she produces. And, as those duties there are a great engine of wrong and suffering towards starving millions, and help to fill her almshouses and prisons,—leading to barn-burning, and mobs, and thefts, for vengeance or existence,—there is little doubt that a relaxation there is desirable to many others as well as the toiling millions, and that reciprocal legislation by us, in the spirit of her last tariff, would help to hasten a further reduction, and open a much larger vent for our grain and meats, at enhanced prices. A reciprocal arrangement of such a character can be effected by legislation as well, if not better, than by treaty. The two countries are, in truth, fitted to consume largely of each other's surplus, sold by each (as it is), at cheaper rates than it can be produced by the other,—she selling her manufactures of cotton cheaper, by machinery, skill, capital, and low wages; we, our cotton, grain, meats, and other materials, cheaper than hers, in consequence of a soil costing less and producing more, as well as being more lightly taxed. Nature and circumstances fit us both for mutual interchanges, on mutual low duties, to the mutual advantage of both, as much as do the tastes and formation of the two sexes suit them for each other's happiness. She needs, even on the present limited consumption, near two million quarters of wheat yearly from abroad. This alone gives a market for a quantity equal to the sixteen million surplus bushels of Ohio; and, if we supplied the whole, though at the reduced price of one dollar and twenty-five cents per bushel, when the average in England is one dollar and seventy-five cents, it would be a gain of near four millions yearly. But the quantity consumed would be greatly increased by a reduction in the duty and price. The quantity taken beyond what is now taken, beside great additions to the meats, might reasonably be estimated at forty or fifty millions of bushels, a considerable portion of which we could furnish, as well as the north of Europe.

[Mr. Huntington inquired if Mr. W. estimated our crop of grains at only fifty millions of bushels, or stated that England took two-thirds of it all.]

By no means, sir. The whole crop exceeds five hundred millions of bushels, including all the grains, and exceeds eighty-four millions of wheat alone; and England, of course, takes only two-thirds of all we send abroad. I have not been talking of a market abroad for all our agricultural productions,—as those alone equal from six to eight hundred millions of dollars yearly,—but of their surplus. Those productions, after supplying the wants of fifteen or sixteen millions of people engaged in or connected with the production of them, and three

* Appendix, R.

or four millions more connected with commerce and other pursuits, yield a surplus of near one hundred millions of dollars in value; and, as that finds abundant and high markets abroad, or otherwise, it affects the sales and prices of all which is transferred from producers to consumers at home, and serves to enrich or impoverish the whole country. The present tariff, I have shown, tends to drive us from the best foreign markets for the disposal of those surplus products; to lessen the number of those markets, as well as their demands, by provoking duties against us, which are higher, and more embarrassing and injurious, by way of retaliation. It tends to injure us not only in England and France, but in Germany also, where the tariff usually does not exceed twenty per cent., and in Prussia is intended to be kept down still lower; and where, as in South America and Asia,— great and growing markets for many of our productions,— the imposts are light compared with our own.

Doing all we can by negotiation to correct inequalities against us elsewhere, let us, then, in the true and redeeming spirit of morals and sound legislation, proceed to do right ourselves in respect to the tariff, to set a good example of revenue duties, and then urge with effect, as we may, in England and France no less than Germany, a reciprocal liberality in all such cases as are not now mutual, or are not precluded by a local policy as to luxuries.

But if other nations should not at once meet our reduction in duties by corresponding ones on their part, we shall still, though ill requited by foreigners, be gainers from our own moderation, under the great principle that all consumers here will, by our reduction, pay less for what they buy from abroad; and the producers here will be better able to compete with others in the markets of the whole world, and will sell more, and will make more money on what they do sell, as the production of it here, under lower duties on all they consume, will cost them less.

The only rainbow which now tinges the gloom is the hope that the tariff of 1842 may become in this way mitigated, if not abandoned here, and then still more abroad; and that improved foreign markets will be thus encouraged in Europe and South America, coöperating with the vast one just forced open in China, under a duty not ranging there, on an average, so high as twenty per cent., and through which alone we may be able to aid more in supplying a population, equal to half that of the whole human race, with whatever our mines or manufactures or agriculture can furnish, agreeable to their taste or suitable to their wants.

And what, sir, is offered in reply to all the dangers and losses a perseverance in this system exposes us to in our greatest foreign markets in Europe? A new and better home market, instead of them. This is another of the plausible and deluding positions that reconcile many to the restrictive system, but which cannot stand the test of scrutiny or facts. There is a charm to the hearts of all in the word

"home." But do not the articles of comfort and necessity we procure abroad from all regions help to increase the charm of home, as well as what we raise or make nearer? — the tea and coffee we drink from the Indies? the sugar we eat from Brazil? the clothes, and salt, and iron, we use from Europe? Are they from all climes not procured by means of our labors at home, as well as the other articles we buy, that are made here? But, in an economical or pecuniary view, it is reïterated, again and again, that the home market is the best, and an ample substitute for others. Can gentlemen dwell on this, when so vast a quantity of our productions, consumed at home, is never sold, but used by those raising or making them? Think you that, for the rest, which the producers may desire to exchange or sell, the home market of one or two millions of people only, connected with manufactures, is as great as that abroad, of near eight hundred millions, circling, as our commerce does, with that surplus, to every zone and every sea, — and better and better still as would become the foreign markets, if we only encouraged more and more the principles of a freer trade with them? Recollect, too, that the home market is and always has been first supplied; but still it has proved, and always will prove, to be utterly insufficient for all we raise. Instead of being the best market for our surplus of a hundred millions yearly, it is no market at all for it; and, but for the foreign markets, the whole would perish on our hands; or the industry of the country could become so paralyzed as not to produce it, and obtain all the necessaries and comforts it brings back in return, and showers over every fireside. So far from the home market being a substitute for the foreign for all these vast surplus productions, it is filled and glutted, and can take no more of them before they become a surplus. That position, then, is entirely indefensible. Others talk of the near exchanges in the home market being much more profitable to the producer. But how is the fact? He may, to be sure, quickly exchange a bushel of wheat with a neighboring manufacturer for a shovel, each valued at a dollar. But if, in the freer trade and more open market abroad, under a low duty, the shovel, equally good, could be bought for eighty cents, — taking off half the present average forty per cent. duty, — and his wheat sold twenty per cent. higher, or at a dollar and a fifth, will he not be forty cents better under the low duty? And after all the freight and charges, though equalling half the difference, if the village merchant performs both of these operations for him, and takes his wheat and lets him have the shovel as quick as the manufacturer could, is he not still a gainer of twenty cents on a dollar? and are not all the great channels, and means, and instruments of commerce, at the same time, more employed and invigorated by more freights? But others may argue that, by means of the restrictive system, manufacturers will increase so much faster than farmers that the home market for domestic produce will enlarge so as speedily to consume all the usual surplus, though it will be at a lower price, probably, and

furnishing manufactured fabrics at a higher price, as before shown, if a high duty is continued as necessary to protect them. But every one who scrutinizes our commercial records knows that experience teaches just the reverse of this. The surplus productions, that the home market cannot purchase and consume, have increased, rather than diminished, since this restrictive system was in force. Under it, instead of its becoming less necessary to go abroad, it has become more necessary. In a country with such immense quantities of fertile land at low prices, the agricultural productions increase faster, far, than the manufactures; and every addition to our agricultural population, which is made at the rate of four per cent. yearly, augments, rather than diminishes, the surplus, as each new member of society here, instead of being, as in some countries, a new burden, and eating up a part of what the others have, or need, becomes a producer, and, ere long, adds yearly to the common income much more, on an average, than he consumes. Gentlemen seem blind to this beautiful and encouraging peculiarity in our national position, and which should justly render our country long a real asylum for the famished of all nations; and they find it difficult to get rid of European and Asiatic ideas, where agriculture is stationary, and every new birth tends to produce scarcity and suffering. Look at the official figures in connection with these supposed facts. In 1816, by imposing higher duties, we were assured that an additional and better home market would speedily be created by an increase in manufactures, and all our surplus productions would be consumed here, and profitably, and the country become independent of foreign markets, and of the *pauper labor* of Europe. How has this prediction been verified? So far from happening, in the next eight years, ruin overspread the country, and the home market utterly failed as to our surplus. Again: the duties, in 1824, were raised still higher, with a promise that the hope would then be fulfilled, under great additions to our manufactures. They were said to be on the eve of taking root. But, in only four short years, again disappointed in the growth and sufficiency of the home market, came the higher tariff of 1828; and again in 1842, to run another disappointing round, comes a tariff still higher than that of 1828. In the mean time, to test, by the actual official figures, how poorly the home market has grown in a whole quarter of a century, so as to absorb all or most of our surplus, it appears that this surplus, now required to be exported or to rot on our hands, is near a hundred per cent. more than it was twenty years ago; and, as before shown, the aggregate of it exported during the last ten years is more than double what the aggregate was in the previous ten. Even during the greatest height of the duties, it appears, by the tables used on the other side, from 1821 to 1832, — the period when the duties began to be reduced, — the surplus, instead of being more and more used up here and purchased in the home market, increased from $43,671,894 to $63,137,470 — about fifty per cent.

At this rate of progress in the *home market* (taking off all our surplus), it would not be effected till doomsday; and, indeed, would yearly grow worse and worse, instead of better and better. But if any senator supposes that it is possible, under this new and higher tariff, in the face of these recorded facts, to tempt so many more into manufacturing as to augment their demand somewhat faster and check somewhat the production, what, in the mean time, is to become even of the reduced surplus and the owners of it, till the whole is yearly absorbed? And what but ruin — widespread and inevitable ruin — must gradually overshadow and overwhelm the whole of them? No, sir. Our reason, our experience, our common sense, when applied to this novel condition, show that, beyond all the home market can take, a surplus from agriculture will, on the contrary, grow as our settlements grow; and more and more need foreign markets, till our people, if remaining free and united, cover the spaces between the Mississippi and the Rocky Mountains, and thence to the Pacific, moving westward, as a branch of the Caucasian race, to the furthest limits of the globe. Saying nothing now of Texas or Canada, this growth in agriculture will never halt till a denser population, and older skill, and greater capital, divert a larger proportion profitably and naturally to such manufactures as can flourish here without artificial stimulus. Let me entreat gentlemen not to overlook these unerring indications of the present utter insufficiency of the *home market*, because we happen to do what is so much relied on in this debate — consume a hundred thousand bales of cotton more than we did ten years ago. Can they forget that we produce probably a million more bales than we did ten years ago, or as much in all as it was then estimated was grown in the whole world? And what is to become of the additional nine hundred thousand bales beyond all the larger home market takes, unless it is sent abroad? And do they not see, by the very last arrivals, that England, in a single year, has bought and consumed half as much more of our cotton as the whole wants of our *home* market? Even France consumes fifty per cent. more of our cotton than all our home market; though, in 1831, the manufacturers themselves estimated that we then used as much of it as she did. Hence, in point of fact, the French market alone, beside the greater increase in England, has far outstripped, in its demands and wants of this article, all our boasted home market.

But if we were generally to compare markets for raw cotton, — the *home* and the *foreign*, — when, in fact, it is not a comparison, but a clear gain of all the foreign ones, what is the result? The foreign took, last year, two million two hundred thousand bales, to only about three hundred thousand consumed at home, — or more than seven times as much; and the greater demands of England alone are such, that she makes two hundred and fifty millions' worth yearly of cotton fabrics to our forty-seven and a half millions, or five hundred per cent. more.

A senator on the other side has talked of the great home market of England for her own manufactures, and has held it up as an example to us. But does he not know that, after supplying all her home market, she has a surplus of manufactures, for which she must and does find other markets in her foreign possessions or in foreign countries, and large and numerous ones, or she would not live unprostrated a single year? She exports from two hundred to two hundred and thirty millions of dollars a year of surplus manufactures, beyond all her home market, independent of other domestic productions, equal to near seventy million dollars more. All this immense sum would become lost,—the articles valueless,—if she did not find or provide foreign markets for it. This is, in truth, as to principle, the example that should be held up for us.

She has negotiated, and colonized, and fought, for a century or more, to extend the foreign markets, to consume her products; and, without those markets, would have continued what she before was,—a second or third rate power in Europe,—or would long since have sunk under her wars and debt, instead of being, as she is now, the preponderating power in the world. Assisted by those markets, she has been enabled to add not only possession after possession there, but in Africa and America; and empire after empire in Asia and Australia, until her landed capital away from home is valued at more than half its great amount there, and her tributary population away is more than tenfold the rest; all of it exceeding one hundred and eighty millions. Thus, while the annual produce of Great Britain alone is only about $2,500,000,000, she has one of near $4,400,000,000, including her dependencies; and, while the population of most European countries consume, per head, only about two-thirds of a shilling's worth of her manufactures, and we but seventeen shillings per head, her colonies in America consume thirty-one and a half shillings' worth per head, those in the West Indies seventy-two, and those of British origin in Australia two hundred and thirty-five, and thus indirectly help much to build up and sustain her vast industry at home.

What we, too, would have been, but for our foreign markets, was forcibly shadowed forth during the embargo of 1808, and the non-intercourse in 1809, and in a remoter degree during a part of the war of 1812. All those measures may have been proper, looking to high political considerations; but what did the farmer and ship-owner think of the blessings and excellences of a home market alone, during the period when little was sent abroad? For many years, beside England and France for large foreign markets for our greatest staples, what should we have been without still others,—without breaking into the formerly prohibited possessions of Spain in America, without a more enlarged intercourse with the vast empire of Brazil, without more extensive markets in Germany, and our vessels exporting our products more and more to remotest Asia and the isles of the Pacific? Waiving further illustrations on this, it could hardly be credited that the

protective system was so obstinately adhered to, when it not only tended to injure all *foreign markets*, and throw us on the insufficient *home one*, but to drive from the ocean much of the ships and navigators and capital engaged in transporting these surplus productions to those markets in almost every region, and bringing back, in return for them, the spare comforts and necessaries of every other people.

The injurious influence of this high system of duties on our whole navigation, domestic as well as foreign, was capable of demonstration. It had often been boasted of as an antagonist system to that of foreign trade; and the arguments to justify it had been not only such as we have been refuting, but that the navigating interest, as a whole, would not suffer, if cut off from abroad, in a considerable degree, because the coasting trade would be so much more augmented as to make up for all loss in that which was foreign. A moment's examination, however, will show the whole of this to be equally delusive with the idea that, by a high tariff, a new and better home market is substituted for the foreign.

In the first place, the increased duty over twenty per cent. on the imported hemp, iron and cordage, which enter into ship-building, has been carefully computed to equal at least five dollars a ton. This, on our whole tonnage of 2,092,360 tons, would be an additional tax, as it is repaired and rebuilt, of $10,461,800. If the whole is renewed in five years, on an average, the new burden would equal annually $2,092,900. If gentlemen spread the renewal over more years, the proportion is only varied. Almost half of this tax falls on the tonnage engaged in foreign trade, and the rest on that in the fisheries and domestic navigation. There is no difference thus far in favor of the latter; while the former, as to repairs, can sometimes gain a little advantage over the latter, by being able to supply sails and cables abroad not so highly taxed.

To show the force of this new burden more strongly by an illustration on a smaller scale, readily comprehended, and coming nearer home to the business and bosoms of my constituents, take the tonnage of New Hampshire, which is mostly confined to the one small port of Portsmouth, whose population is between seven and eight thousand. Its foreign tonnage alone is about fifteen thousand, on which five dollars increased duties amounts to seventy-five thousand dollars; and which, spread over five years, for such repairs and renewals as are equal to its present value, would be yearly about two dollars per head for the whole population of that town. This is as much as all their other taxes united. But, in the next stage of its evil operation, it falls heavier on the foreign than the domestic trade; for the tonnage in that, costing more than it otherwise would, cannot afford to carry freights so low as it otherwise might, and must charge higher to the owner of the produce and merchandise, and thus devolve a part or all the increased tax on them, or submit, as it does in most cases, under the competition of vessels from abroad, not so highly taxed, to carry freights at the old or a still lower

price. The raiser of the produce might be pleased to find transportation cheaper, if effected fairly, and in free and equal competition; but must regret to see it at the expense of the navigator, and under a system of vicious legislation, which makes it lower virtually, by discriminating duties against our own citizens, and in favor of foreigners.

Let our own citizens in honest and useful pursuits have, at least, an equal chance with others. No onerous burdens,—an open sea, a flowing sail, and a fair fight, in industry and enterprise, and not a novel kind of *navigation act*, made by ourselves, favorable to foreigners, and hostile to Americans. The day for great exclusive privileges to navigation had long gone by, as unnecessary, both in this country and England; and Cromwell's famous navigation act, however extolled by the senator from Maine, had, in the time of it and since, been regarded by many as impolitic, and had virtually been abandoned in England the last twenty years, in several important respects. Dutch pride had been humbled by Blake before it passed, and Dutch prosperity had been sapped by her wars and high taxes, rather than by British legislation. It would be idle for England or this country, or any other power, ever to expect durably great prosperity by legislation, however full of bounties or restrictions, unless their people are islanders or fishermen, or have natural facilities in naval stores and harbors for extensive commerce.

Our tonnage has seldom been more flourishing, except during the calamitous wars of Europe, than under our low duties, most of the time, from 1830 to 1840. It increased ninety-five per cent., while the English, in that period, our great rivals, increased but forty-nine per cent., and the French only fifty; while during the last year it has declined in quantity, besides being much less profitable. By the operation of high restrictions, the exports, too, are expected to be lessened, through an increased home market. The system has naturally that tendency, in conformity with its design, as we have seen in the official returns, by the exports proving nearly double as much, under ten years of falling duties, as ten of high ones. But the boast, by some, that if it cuts off agricultural exports, it makes and substitutes as many manufactured ones, has been verified very badly; as, while the former, in ten years, has added twenty millions, the latter has added but two or three, and the cotton manufacture only half a million. The foreign imports and exports are intended to be diminished by the very essence of the system. Especially is it aimed at the imports, intending to substitute in their stead domestic products of a like character. Such, too, has been the effect of it here. When it got into full operation after 1818, the imports began to fall off; and they never rose, during the full continuance of the system to 1833, so high again as in that year, though swollen much, from time to time, by the foreign loans to the States, brought home in merchandise.

Again: under its operation the past year, the imports have fallen, in the aggregate, near eleven millions, and of the consumable commod-

ities, and such as pay much freight, over thirty millions; there being, I understand, near twenty millions of the free goods this year in specie over and above the quantity in 1842, and, indeed, over what has been reëxported this year. Do the navigating interest lose nothing by this reduced quantity and value of the imports to be freighted, —considering, also, at the same time, that the whole exports in 1843 have become less, by four to five millions, than in 1842?

But, while the tonnage engaged in the foreign trade is undergoing this loss of values to be carried both ways across the ocean, beside the still greater loss in reduced prices for freights, the chairman says the inward freights have been better. If he means, by that, our ships have brought home a larger portion of all imports than usual, I do not see anything in that to indicate improvement; because they being cut off, by a high tariff, from bringing home iron, hemp, etc., as much as usual, have been glad, rather than come home in ballast, to take anything at little profit.

[Mr. Evans said he meant that the price of freights was higher.]

By no means, generally. For where thirty or forty shillings a ton has been got formerly for some freights from Liverpool, it has, I understand, in certain cases, in 1843, been brought for eight shillings; and where a penny per pound has once been got for carrying raw cotton to Europe, half a penny only has of late been obtained in many cases, and a hundred vessels are now probably waiting in New Orleans for freights.

But how fares the coasting trade, which is to be so greatly promoted by such a tariff? The owner of the tonnage in that, whether on the sea-board or our inland seas and mighty rivers, is, to be sure, protected from foreign competition. But he must suffer to the whole extent of the increased cost of his vessel, and carry at the same price for freight as before; or, if he raises the freight so as to indemnify himself, will only shift a large burden from his own shoulders to those of the producer or consumer, already so oppressed; and, instead of anybody being benefited by the high duty except the manufacturer, an additional tax falls on most, if not all others. The tax, too, reäcts sometimes on the hardy ship-builder. If his materials cost more and he can sell no higher, it equals from a million to three-fourths a year on the tonnage built in 1842; and, as the business will thus diminish, must extend its baleful influences to the lumber-man, the timber-grower, and all the mechanical trades engaged in ship-building and repairs. But look a little further at the next step in its bad consequences.

How is the remuneration for all this to occur in the increase of the domestic tonnage? Does that, as is estimated, have more to carry, and further, than it did when the foreign trade was larger? So far from it, all the domestic agricultural produce which is sold at New York, Boston, and Providence, is brought no further from the west or south, and its returns are carried back no further, than if the addi-

tional consumption supposed to be caused near those places had been transported abroad, or the additional manufacturing products made near, and to be sent back to the south or west, came from abroad. But the whole foreign freights of it, and all the persons and capital and profits of true American origin and character connected therewith, are frustrated, and the nation paralyzed, not only in one of its great arms of industry and means of rearing seamen for maritime defence in war, but nothing whatever gained in place of those vital losses by any enlargement of our domestic tonnage. More, sir. As the system expands, the manufacture is calculated to spread nearer to the south and west, and establishments to spring up on the slopes of the Alleghanies, and many of the tributaries to the Mississippi and the lakes. All can see that, as these approach nearer the raw materials which they consume,—whether cotton, corn, flour, meats, or other articles,—the domestic transportation, both to and fro, is shortened, and requires less time, capital and employment for the home tonnage.

Pray tell me, then, whether the effect of this system on the navigating interest, foreign or domestic, be not highly injurious, an unmitigated evil; and what there possibly can be in it to atone to the commercial classes for its destructive influences.

The constitution itself was formed chiefly to protect our foreign commerce; as the framers of it, whether farmers, merchants, or planters, saw that on the success of that commerce depended the value of all the *surplus* crops, the ease and cheapness with which they reached good markets. The vessel was like the cart and wagon to hasten the crop onward to a good market; and the lower the cost of the vessel, the less it was taxed, and the more markets it would freely resort to, the higher would be the prices obtained for the cargo, and more reduced the expense of getting home their returns. If good highways, bridges, and canals, and railroads, are a public blessing, and to be sought for their benefit in internal commerce, so are all improvements by steamboats, faster sailing vessels, cheaper building, and lower duties, and less vexatious regulations,—equal blessings to the producer and consumer, no less than to the navigator. The blow struck, then, by this restrictive system to the commerce of the country, whose numbers and capital are nearly as large, if not larger, than those of the manufacturers, and a very valuable and useful and indeed national interest, in the view of the framers of the constitution, is a blow falling, at the same time, with as much, if not greater force, on all the producers and consumers of the country.

The hardy and adventurous fisherman feels it the most, both as navigator and producer of a new article of food. He gets no additional drawback or bounty on account of the higher duties and greater cost of his vessel, and has to sustain the shock after a considerable depression in the prosperity of his business. Computing the whole tonnage in the fisheries at 210,000, the loss on that, in a few years, must be equal to $1,050,000, while the exports of dried fish (his

gains as a producer) have almost ceased, and the whole business in whaling suffered rivalship and loss from the manufacture of lard oil.

If the hog, then, is painted in the west as devouring the whale, and if the white fish of the lakes are transported to the east, and sold even in sight of the flakes of our coast, as has happened the last season, so be it, if the result of equal laws and fair competition. But do not neglect or oppress that class whose numbers, though so noiseless, exceed all in the cotton manufactures of the whole Union; and were deemed so national an object by our fathers, forming a nursery not only for our commercial marine, but our gallant navy, and who aided so ably in the capture of Louisburg (under a commander whose tomb and dwelling-house are near the mouth of the chief harbor of my State); and even mingled with Rodgers' rangers, and helped to conquer Quebec; and poured out their blood like water on the decks of Paul Jones, in the Revolution, as well as in the hardest sea-fights of Hull, Bainbridge and Decatur, in the late war. Rely on it, sir, always, in all exigencies, will they be found at their posts; and will compare in morals and worth, no less than daring courage, with any class of the north. The policy of England, on the contrary, has been to continue carefully to cherish her fisheries, as well as navigation. Her annual income from this source is computed at twenty millions of dollars; while ours, at only half that, and under depression, was to be further prostrated by the renewal of this restrictive policy. England, also, so far from increasing the burdens on her navigation, when embarrassed, has sought out new markets for it to visit, new products to be carried, and lowered the duties on all it consumes. Hence her tariff on hemp was low, and had been reduced,—on timber a trifle if from her colonies, and on iron merely nominal.

But, beyond all this, the policy of our present tariff aimed at the destruction of the reciprocal treaties we possessed as to tonnage; and, in that way, would destroy the noblest carrying trade of the world. It breathed hostility to everything savoring of free trade, because a standing censure on their discriminating course. These treaties had already been threatened again and again, though without them we could claim no transportation of anything but exports of our own productions, as all other nations had a like right to carry the export of theirs. This would give us, in practice, only half the freights of all our exports and imports, and half the number of ships or tonnage engaged in our foreign trade. Many seem to believe we do not possess so great a proportion as that now, and a change is called for by the opponents of free trade; and a hue and cry is raised, that most of our foreign commerce is in foreign bottoms; and that English navigation, in particular, is yearly crowding us from the ocean. But how is the naked truth? and what are the losses and dangers the restrictive system is exposing us to? Setting aside the colonial intercourse between us and the British provinces (which rests on peculiar principles, and, by frequent entries and clearances with passengers and

steamboats, and little freight, has a fallacious appearance as to entries, though, in fact, we carry three-fourths of the freights), the American tonnage entering and clearing abroad is nearly treble in quantity that of all the rest of the world; and the freights we brought home were, in 1842, valued to the extent of $88,724,280; and all others only $11,437,807. Those we carried out were quite three-fourths. These are near the proportions for some years. Who, after so many statements to the contrary, can look but with amazement on the comparisons in the table in my hands, compiled from official returns, of the greater number of entries by American than foreign vessels, from each of the great powers in the world, in 1842, as well as most of the smaller ones, except two, and think what must be the tendency of a system which would exchange this four-fifths for only half of the trade? (See Table No. 15.)*

We, from all the world, except the British colonies, had 4259 vessels entering here, and all other powers but 916: we, from England herself, 614; she, and all other foreigners thence to us, but 370: we, from France, 406 vessels, and all others thence but 74: we, from Spain, 1500, of which two-thirds were from Cuba; to all others, 82: we, even from Brazil, about which so much has been said, 174; and all others but 26. And, indeed, in all quarters of the globe, there are only two small governments — Sweden and the Hanse Towns — in which the balance is against us, and that balance, in both of them inclusive, not so much as it is in our favor with the small republic of Texas, in our own neighborhood. Yet those two trifling exceptions are often inconsiderately thrust forward as conclusive evidence of the general operation of the reciprocal system on our foreign tonnage. Leaving other interesting details, I would only add, that another evil consequence from annulling the reciprocity system would be to destroy the whole of our carriage of all the ten to twenty millions which we yearly export of articles of foreign origin. Besides this, it will cut off a profitable and large branch of the carrying trade, nothing of which appears on our official records. It is of this character. Probably 100 to 150 American vessels clear yearly, from Cuba to various parts of the world, with sugar, molasses, and coffee, whose cargoes make no part of our commercial statistics. Many more clear also from Brazil, and some from various other ports in both hemispheres, with cargoes for various quarters, of which we learn nothing, except by foreign statistics and consular returns, or by the profits at some future period brought home in valuable imports. Something like thirty of our vessels have yearly gone with freights to those very Hanse Towns; some to Antwerp and Trieste, and others still to other ports in the Baltic, from Brazil and Cuba, who, without the principle of our reciprocal treaties, could not thus carry a ton of foreign produce. Let the northern ship-owner, then, look to consequences, before he longer approves a policy likely to end in the destruction of much of this supe-

* Appendix, S.

riority on our part, in the indirect as well as direct carrying trade, and in a commercial marine second only to one power in the known world.

Let the farmer of the mammoth west and of the central States look to this, and the manufacturer, as well as the navigator, of the north. Why, sir? Because this very trade, which makes a market for breadstuffs, lard, fish, and most of our exported manufactures, in Cuba, Mexico, and Brazil, does it only because the sugar, coffee, and molasses, obtained in exchange, have been, in a great degree, shipped to the north of Europe, and their proceeds returned here in those very articles of foreign iron and hemp which the present tariff and its anti-commercial policy tend to reject.

I hasten to the last consideration intended to be urged on this occasion, which is, that a tariff like this is not founded on a policy likely to be useful permanently to the true manufacturing industry of the country. What that branch of industry really needs is a natural adaptation in the climate, raw material, or mines of the country, to aid the particular business pursued; and a steady, durable, incidental protection, by collecting, on revenue principles, a suitable portion of revenue from imports. This, too, had better be moderate and durable, with equal regard to all interests, than high and vacillating under party excitement. It had better, even for the manufacturer, be incidental to a clear revenue power and practice, than direct and high in the exercise of a protective power of doubtful character; and had better be equal to all interests, as well as manufactures, so far as incident to a just impost on imports, than be unequal, and thus exposed to changes and unpopularity, as partial on the one hand, and oppressive on the other. Such a moderate and stable protection as this to manufactures I never shall resist, any more than did our fathers in their early tariffs, raising all their revenue in that manner (rather than by direct taxes) which they needed and could obtain, without going above the revenue standard, and thereby injuring commerce, agriculture, and other great interests. Manufactures, under that system, flourished wherever the country was fitted for them; and the sagacity of such men as Franklin and Jefferson saw that they would continue to grow, if lucrative, considering our state of society; and that they would succeed best, not by unnatural but natural aid, and would push forward steadiest, under their own enterprise and vigor, by moderate duties, and the wants of the country, rather than by being driven ahead of them by forced marches under legislative favor. They did not follow the shiftless system of running to the government for everything, any more than did the farmers, lawyers, or doctors, any of whom, when in trouble, might as well ask public legislation to assist them. On the contrary, the reliance of all men should be on their own energies and skill, and local advantages, looking — as Sir Robert Peel at last sensibly advises the Tamworth farmers to do, after experiencing the evils of a different course — more to their manures, and less to government.

Even in 1791, many of the manufacturers (and especially the household ones) had acquired a strong foothold among our people. They were enabled to supply nearly as large a proportion of our wants then, in cottons, woollens, soap, cabinet-work, potters' ware, paper, oils, candles, &c., as they do now.

Mr. Dallas, also, in 1816, considered many manufactures as fully established,— woollens, cottons, and linen, in some districts, supplying "two-thirds, three-fourths, and even four-fifths," of their wants. But after the war and individual enterprise had multiplied great corporate establishments for making cottons and woollens, which had not previously been so thrifty, the system of direct protection was demanded and acquiesced in for a temporary object, to break the fall, or make the transition easier to a state of peace, but under a strong expectation that its continuance would be limited and temporary. The history of its influence since, even on many manufactures, is well known to have developed many mischiefs. First, it has been very fluctuating; the high protection and large profits at first tempting too much capital and too prematurely into such business, and thus soon reducing profits, and leading to clamorous demands for duties still higher; and then, in hundreds of instances of the finer branches of manufactures, after a series of additional protections, becoming inflated, till the bubble burst, and deplorable bankruptcies followed. It was a kind of intemperate excitement, that only required, in time, additional stimulants, till means and patience were exhausted, and the patient sunk; while other manufacturers, not brought into being that way, and a few of those with agents of great foresight and skill, managed so as to continue through every revulsion, and yield fair profits. These last would continue to do the same under a revenue tariff, with the aid of its steady and durable incidental protection. In the next place, all can see that, if the increased duty makes the manufacture very profitable, it may soon become a political hobby to sustain or enlarge it, in order to gratify those interested. Or, if speculative rather than political manufacturing mingles with honest enterprise in procuring for it additional protection, a sale of the stock is made before a large diversion of capital and persons into this most profitable employment takes place, and reduces the income lower than the general standard, and often throws the loss, as in the mania about merino sheep and morus multicaulis, on unsuspecting purchasers. Besides this, if the manufacture be new, and the owners inexperienced, or have skilful competitors abroad, and countries to contend with where labor and capital are much lower, the business longer established, and where improvements in machinery are frequent, the enterprise will become a most hazardous and changeable one. It is my serious belief that, from such causes, and various abortive experiments, and a want of skilful agents, and little omissions to procure early improvements and the best workmen, &c. &c., more capital has been lost in the last twenty years, in the manufactures of cotton and woollen in New England alone, than the whole capital

which is left in those branches, or the whole debt at the close of our Revolution. Some of us there can speak feelingly and experimentally on this subject. At the same time, I neither conceal nor deny, that, from skilful attention and other fortunate circumstances, others have made large profits. But, as a whole, what have the Union, and especially New England, gained, in the long run, by such a system? They have gained, I admit, by those manufactures which grow without the aid of a hot-bed system; they will continue to gain by them. So have they gained by household manufactures of wool and cotton, where pursued at leisure moments, and by the decrepit or young, not fitted for much other employment, though unprofitable otherwise now, on a large scale, without the aid of modern machinery. But, under the first circumstances, they are often economical, healthy, moral; and it is they which Mr. Jefferson so eloquently commends as late as 1812, and Franklin as early as 1784.

The theory of the old and true policy was to let industry, of its own accord, and not by artificial exertions, pursue what was most natural to our state of society, the free genius and institutions of our people, and their position on the surface of the earth; not seeking to raise tropical fruits for our markets in the temperate zone, or to make our population live merely on exhilarating gas and champagne. What do gentlemen imagine has been the decline in such manufactures, after all the machinery and hot-bed aid to others,— and others, too, whose great use of machinery, it is argued, sinks the household labors into insignificance and loss? Why, sir, though the prices of the last are little affected by the tariff (they being mostly made to use, and not to sell), yet, by the census, the "family-made goods," mostly wool and flax, equal yearly near $30,000,000. They are stated at $29,023,380; when the great woollen establishments, about which our halls have been so loudly and frequently besieged, yield only $20,696,999; and the cotton establishments, noisier than their own spindles, yield but $46,350,453. This is near half as much household, as both cotton and woollen, of the great separate establishments. These returns are, doubtless, imperfect in some degree, but equally so as to both kinds. To see, also, how little the whole manufactures of the country have increased in the aggregate during thirty years, with such vast governmental protection, they are now returned at only $239,836,224, when, in 1810, they were computed at $117,694,602, and when the cottons, in 1831, were estimated by their friends at $40,000,000, and have increased since but little more than six; and in 1810, with wool and flax, were estimated as high as they are now alone, except six to seven millions; and when the other manufactures which sprung up before the protective system in 1816 have increased much faster in proportion, and those great industrial pursuits less protected, and even in some respects oppressed, have in agriculture probably quadrupled their annual produce, and nearly trebled the exports of domestic origin, after supplying any additional home

market. They have risen from $42,366,659, in 1810, to $113,805,634, in 1840. This is because the last is a congenial, suitable, and healthy employment; and the other, in most cases, is artificial, premature, and sickly.

Let it not be said that I wish to see the gains by modern machinery and steam abandoned, where these last can be used for large purposes, and with profit. But I would not see them attempted where the state of society, capital, and skill, is not favorable to compete with others in the use of them, without ruinous risks and losses, unless bolstered up by high duties and taxes. I would buy and use such manufactures whenever cheapest and best; but for numerous home wants, in a new and agricultural country, like much of ours, why not take what is produced by such establishments and improvements elsewhere, beyond what can be furnished through the frugal aid of household life? Why tempt our own people, by bounties, into the heated atmospheres of great establishments, forced into being often prematurely here, by high duties, and at the expense of other large classes? What commendation can be bestowed on these, in a country young and enterprising, over the bracing air of the ploughman's field, or the rosy exercise of the dairy, or the transportation of the products of both over the mountain wave, and throwing the line and harpoon in every sea? Most persons point to New England as the best illustration of the great profits by the protective system. But, beside the mischiefs already alluded to as incidental to it, what has she gained from it in other respects, when all her population connected with her great cotton establishments would not fill a single county in several of our States? when the fisheries alone support greater numbers? when many of her sons are, in their habits, almost as web-footed as the sea-fowl which fly over their heads? when, if not diverted from agriculture, and navigation, and the fisheries, her hill-sides would probably have been ploughed nearer their tops, her swamps more thoroughly drained, her manures improved, additional inventions in raking, threshing, reaping, and sowing, sought out, or the present ones discovered sooner; her fisheries doubled, and grown to what they are in England, and her ships still more and more carrying the surplus produce of much of the civilized world?

Her population and capital would, in that event, have been as large, if not larger, than now; and quite as hardy, moral, useful, and American, as it is now; and by moderate and regular profits, far less tempting to inroads on our frugal habits, and on our primitive morals, now exposed to smuggling and all its train of demoralizations.

To be sure, we have the flourishing villages that were often referred to. But, in one of them, a whole crop of early proprietors had lost their investments; in another, the church was deserted, and the dwellings and factory buildings desolate; and in the interior, numerous other cases existed of dilapidation and ruin to early establishments, called prematurely and unskilfully into being by the bounties of your

high protecting duties. And it was melancholy to reflect, that even where some establishments had prospered, and cities clustered around them, it had been at the loss of the more remote country,— draining it often of capital as well as enterprise and labor, and causing decline and desertion in one place, to produce business and display in another.

Suppose, then, that their profits are great in some establishments, and the wages of labor, as well as dividends on capital, high. Suppose, too, that there, in the vibrations of traffic, prices, and markets, some have yielded exorbitant profits; yet they cannot long continue to do it steadily, without tempting (where everything is so open and free) other labor and other capital to flock to them, and equalize their profits to what are made in other branches of industry. The whole business in cottons, woollens, iron, &c., on a large scale, depends so much for profits on little improvements in machinery and chemistry, &c., that the perils and reverses at times appal the stoutest heart; while, on the contrary, the large gains from machinery, which have been referred to by the chairman, are not permanent to that class, but temporary to them, though permanent and useful to the world at large. Others soon come in and employ them also, till the rate of profits is but little higher than in other pursuits. Hence, granting that England has not merely the labor of two millions, but over fifty millions of men, in her cotton machinery alone, and that of three hundred millions of men in all her manufactures,— with machinery so perfect, that, if not talking, it tells when a thread breaks, or the water-power vacillates,— has not France, also, and Germany, and the United States, no less than her people, burst down the barriers of patents and the restrictions against the export of machinery, and let in all nations to the benefits of it, and reduced the profits of those using it to near the standard in other pursuits, unless raised higher, for a time, by discriminating and partial duties? Dr. Faustus, when he invented the type, might, like any other monopolist, profit much for a while by keeping the improvement secret, and adhering to old prices; but, soon as the invention becomes known, or the monopoly broken down, the individual gains in printing, as well as other business aided by machinery, had to stand little, if any higher, than those in employments not so aided. And pray tell me, sir, as a question of profit to the whole country by machinery in manufactures, and aids not derived from labor, is there no profit also to the whole by labor-saving machinery in agriculture,— the plough and the scythe,— by raking with horse-power, and threshing, and even reaping and cleaning grain, the same way? But, much more, is there nothing in the dews and rains, and winds and sunshine, with which God has blessed peculiarly, and always will bless, his chosen race — the tillers of the soil? — nothing to aid the country in navigation, beyond labor and capital? — nothing in the oceans, lakes, and rivers, that cover three-fourths of the globe, for highways to the seaman and merchant? — nothing in the winds, which blow freely to waft him? — nothing to the country in the

fisheries, beyond labor and the vessel? — nothing in the shore and bank treasures of the finny tribes, growing for the adventurer without pay or expense; and the whales which, unhired, await his coming in every sea? Opening the earth to all profitable employments, the bounties of Providence naturally attract more to agriculture, not only from its healthfulness, but safety, and its best guards against famine and disease, so incident to crowded manufacturing. In the worst revulsions, the surplus of grain and meat can help to sustain life; but neither cottons, nor woollens, nor iron, can be eaten, when markets fail, or war cuts off other supplies.

In another point of view, the supposed gain to this country by the use of machinery in great manufacturing establishments becomes, in truth, only a question between the expediency of having them used here, where dearest, least understood, or least perfect, and abroad, where it is the reverse.

So, if we go to the statistics of the late census, similar results are demonstrated. It is imperfect in some respects, and conclusions somewhat different are drawn by different persons. But, after being revised and corrected, the gains in manufacturing, though high, are probably not much higher than in other pursuits, if we deduct what is added by the discriminating duties. Without that deduction, they reach near one hundred and sixty dollars yearly, on an average, to each person employed and connected with them; whereas, in agriculture, they yield but sixty-two dollars, or less than half, and in navigation only eighty dollars.

[Mr. Evans here denied that he had stated the earnings in manufactures to be so high.]

No, sir; but the official returns, when duly revised, state this; and it can be accounted for fully in no other way than the protection they enjoy, — great, even on a twenty per cent. duty, and much more on one of eighty or a hundred.

[Mr. Evans said a deduction for interest on capital in manufactures should be made.]

So it might be in all other pursuits, as well as this, when you come to divide the gross produce between the capitalist and the laborer. But it happened that the capital was larger per head in agriculture than in manufactures; it being two hundred and thirty-five dollars each in the first, and two hundred dollars only in the last, though in navigation it was higher, being three hundred and three dollars each. (See Tables No. 15 and 16.)*

Gentlemen may take whichsoever horn of the dilemma is most agreeable; and if the profits are no higher, after the reduction of the gain by high duties, than in other pursuits, there is no advantage to the whole country by the forcing system. We pay for all we get. But if they are higher after it, then the forcing is not necessary, besides its being partial and wasteful in order to aid them.

* Appendix, S and T.

Many, however, urge that manufactures ought to be encouraged by a costly protective system, because their labor and business are so much more American than any other. The additional persons it employed in this country, it was argued, increased the public prosperity and independence enough to counterbalance all the evils of so unnatural and burdensome a system. Now, sir, a little analysis will expose the folly of this assumption. When more persons were tempted by war duties and privations, and then by the high discriminating tariffs which followed, to embark in manufactures, whence came they? They were either imported foreigners (against whom, however, he nurtured no idle prejudices), or they were Americans, previously engaged in agriculture, commerce, and the fisheries.

Now, did this change in pursuit of a thousand Americans increase the number of Americans before existing? It was still but a thousand in the new employment. And did the change make their labor and capital any more American than it had been before, by going from agriculture to manufactures? So, if a portion of our present manufacturers, under lower duties, should quit these for the plough, the counter, or the deck, where they or their fathers before labored, would they, by this restoration, cease to be Americans, or their industry cease to be American? By no means. And the prejudice excited by partisans against the foreign or pauper labor of Europe, in order to color the truth as to the case just stated (but which, it is perceived, has no concern with it, as, after and before the change, the labor of the same persons is just as American, and just as little European, as it was before), is a prejudice which is to operate only when beneficial to them, and never when hostile to their interests. They never reject the *pauper labor of* Europe, if it emigrates here and works at lower wages in their establishments; but they invite it hither, and hunt for it in Canada. They never reject it, if it comes here in the shape of new improvements in their machinery or dyes; but they send agents across the Atlantic to buy and import it. In fine, they never reject, but discriminate in favor of it, as compared with other articles, if it comes here as a raw material useful to manufactures.

The beggarly lazzaroni of Naples may labor to collect rags for paper, and it is all very well for the manufacturer to encourage it by a low rather than prohibitory duty, and make the community pay a high one on the paper manufactured from them. The convict laborer of New Holland, and the slaves of Morocco, may shear cheap wool and send it here free, or at a pittance of duty, to be used by the manufacturers, while those who use the woollens made from it must pay a high tax on them. Even the Indian toil of Chili or Buenos Ayres may throw the lasso and collect hides at small expense, and the manufacturers are willing to benefit at the lowest duties on them by all that pauper labor, and charge us high for the leather made from them; and act similarly by the labor of the serfs of Russia in raising hemp, which, though paying a higher duty, pays one not half so high as is

imposed on us for the manufacture of it; and, without giving more instances, the very garments we wear are colored in part by indigo, cultivated by the slave labor of India, admitted free here; though the garments are taxed high, and though it is an American production, and once considerably raised in the Southern States. Hence, there is no indemnity for the other injuries of the protective system, by its employing or encouraging, in these ways, either American labor or capital; but, on the contrary, a direct discrimination in favor of the pauper labor all the world over, to the injury of all American labor at all competing with it, or which might compete with it, if protected by as high a duty as is imposed on the manufactures from it. And why not shield our labor in one case as fully as in the other; and by a like duty, if any of it is devoted, or would then be, to such productions? And if the farmer (not now financier) of Andalusia should ask for more protection for his pine-apples and grapes, could he not defend the prayer in aid of his American labor and capital quite as plausibly as some parts of the present system are defended?

To show, in other respects, how little averse its friends are to the use of foreign labor and foreign products, when useful to them, and that entirely free, let me refer the Senate to thirty or forty such articles in the act of 1842,—a list of most of which is appended to Table No. 4.*

The only escape from all this is a mere question of dollars and cents in profit and loss by manufactures, over other pursuits; and not the plausible but exploded one, that they are more American, and therefore more patriotic. But as to those greater gains, we have already attempted to explain how, in the long run, the species of manufactures raised up by high protection has not been durably productive of large profits to the whole engaged in them, or of advantage to the community as a whole.

If the restrictive system, then, employs no more American labor and capital than would be employed in other pursuits and in profitable manufactures here, without it,—if it uses foreign labor and foreign products, whenever more beneficial to the manufacturers themselves,—if, in fine, it yields no greater profits to the whole country, as a whole, no greater ability and prosperity, than without it,—I entreat gentlemen to point out how it is more patriotic, or useful, than other pursuits, so as to produce those great advantages, in a general point of view, which are supposed, by some, to counterbalance the many evils already explained. The only specific position left in their favor, unexamined, is, that they tend to make us independent, as a nation, of other countries. It is not independence in producing instruments and munitions of war, and for national defence, as many erroneously suppose; since those we have long made for ourselves, and the duties, high or low, are of little consequence; but it is independence for the necessaries and comforts, as well as some of the luxuries, of every-day and peaceful life. Yes, sir; this kind of independence is gravely urged as

* Appendix, H.

momentous to the nation, and for other classes, when the manufacturers themselves go to foreign countries for all their raw materials, dyes, and machinery, when obtained there cheaper; when they are dependent, and it is a part of their system to remain dependent, on foreign countries for much of their hides, hemp, cheap wool, indigo, and hundreds of other articles, because they obtain them at lower prices there. Can gentlemen forget that this is an admission of all we contend for, which is to be dependent on other countries for manufactures themselves, no less than other articles, when we can obtain them there cheaper, and only then?

On this principle, we only ask leave to amend this partial system so that we may go for fine cottons and woollens to England and France, where long experience and skill, and great capital, enable them to make such articles cheaper than here, and where improvements, too, are rapid and great. So, when dependence here between different classes and pursuits is commended by eloquent arguments in favor of diversity of pursuits and sweet interchanges of industry, is it forgotten that, under our system, this variety and kindness would still remain to a useful extent, and be, by our commerce, diffused wider to all people? It is this mutual dependence among inhabitants of all nations, as well as of the same, which is the great nurse of commerce, and wealth, and civilization. It divides among them the surplus of each, as well as all their arts and learning, and other excellences. It is the path-finder, not only to mutual gain, but a purer religion, and higher prosperity, and more durable peace, the world over. Foreign nations thus become as dependent on us as we on them;—not political dependence, which is often inadvertently confounded with this, but social and commercial and literary dependence, which is the best guaranty of progress in human affairs.

It is folly to suppose that we, or any other nation, can unite successfully within itself the productions and manufactures of all others, all climates, and all stages of civilization; that we, or England, can raise as cheap and usefully the drugs of Turkey as Turkey herself, or the fruits of Spain, or wines of France; or they compete with England in making iron, or with us in raising cotton or pork, or making lead. And hence, while we ought not to become fanatics or visionaries, attempting to concentrate everything in one spot (which alone could be effected by Deity, but never yet, for wise reasons, has been done even by Him), let us be content to buy all we need where it can without force be produced cheapest, whether at home or abroad; and sell all we do not need where it will bring most, whether at home or abroad. In this way, we shall follow out the apparent dictates of Providence, in giving advantages, in some things, to all climates and people, to be exchanged with others through the blessings of free commerce, and thus adopting the best apparent method of increasing our prosperity, and extending civilization, and securing peace throughout the world.

While all has changed and is moving onward, are we to go back, and cling to the dark restrictive systems of a ruder civilization? Are we prepared to take the backward step, so as to protect, by discriminating duties, the old channels of commerce by the Euphrates and the Isthmus of Suez, and again to build up Tyre, Alexandria, and Venice, rather than doubling the Cape of Good Hope? Are we to tax higher the use of steam in navigation, so as to encourage oars and sails?

By officious legislation, sir, are we to stop all improvement; and, while this new power in commerce is bringing all nearer, and making every people better acquainted with each other's wants and abundance, — not only transferring St. Louis to Pittsburg, and New Orleans to Charleston, but Europe as near as Halifax in days of yore,— are we to counteract these new facilities for more intimate, enlarged, prosperous and free trade, and, while the Celestial empire itself is opening its ports under the progress of the age, virtually block all foreign ones up to us and ours, forever, by a more stringent and restrictive policy on our part?

Much more must we beware of pushing this selfish system so as to operate not equally on one great people, but invidiously on sections and classes. Still more must we beware of such an unjust course among ourselves, and under our peculiar form of government, founded and to be sustained only on mutual concessions, mutual sacrifices and gains, and what should be durable and faithful compromises. Beware, sir, of seeking to escape from such compromises,— though in technical legislation not forever binding,— lest all amicable and honorary engagements become stripped of much of their moral force, and we seem punic in appearance, if not in reality. Beware, too, of a permanent return to that system which has once been abandoned for its perils to all held holy in our political brotherhood. Beware of tearing open, to fester anew and worse, old wounds that had been mostly healed, and which wrong is inflicted by the exercise of such doubtful powers as will justify the wildest schemes of internal improvement; for that general welfare which can be set up by the interested in defence of all extravagances can justify distributions of the public treasures or public lands, and end in the assumption of two hundred millions of State debts. Beware of a policy, constitutional or otherwise, whose tendency is like that which, in the British corn-laws, now agitates our parent country to its centre.

Above all, sir, let us, like the senator from Maine, read the injunctions of the farewell address of the father of his country against the causes of disunion, as well as disunion itself. Let him read and re-read the injunctions of that warning voice against the spirit of partiality and encroachment towards fraternal rights; against the inroads that fanaticism, or avarice, or party, in the domineering spirit of powerful majorities, may be tempted to risk. Let him tell them to beware as to inconsiderate memorials here to dissolve that hallowed Union on account of one of the compromises which led to it; and, above all, to

Beware how petitions are encouraged which, under the distresses of war, formerly were confined to a faction, and died, on their way hither, at the news of peace. Beware how such petitions are now encouraged to stalk into this very hall, from State legislatures, and urge us to unsettle the great compromises on which the Union itself rests, and which, if prostrated, may lead not only to separation, but scenes of border warfare, if not servile conflagration and carnage, such as never before crimsoned the pages of history.

NAVAL SCHOOL.*

Mr. WOODBURY'S remarks on the naval school were substantially as follows:

He stated that the first and indispensable point, with a young officer, was, whether he could bear the exposure and roll of the ocean. If he could not, all expense in educating him for the service was lost. Hence, the first order long had been, and should continue to be, an order to sea. After that experiment, if the constitution and taste of the individual proved suitable, it was not only proper to give him aid by literary and scientific instruction on ship-board, but, when off duty, on shore. The deck of the vessel, however, was the best school-house or academy to begin with; and there, to mingle explanations and reading with actual experiment. Even on shore, the teaching should be rather to occupy suitably his leisure hours, and advance him in his naval pursuits, than to give him land habits or land tastes. The naval officer should be a sailor,—an informed, intelligent, moral, and intellectual sailor, if you please,—but still a son of the ocean, and dedicated, heart and soul, for life, to all its arduous duties, great exposure and high responsibilities. In truth, his *true home is on the mountain wave.*

It was no more proper to send the army officer or the cadet at West Point to sea, than to keep the naval officer much on shore, and attach

* A speech in favor of establishing a Naval School; delivered in the Senate of the United States, August 10, 1842.

him strongly to shore scenes and shore pursuits. The most abhorrent idea to a genuine tar is a land-lubber. Hence, the school for his leisure hours, while not afloat, should be, as it had been for many years, on or near salt water, and attached to some navy-yard.

Mr. W. had no great objection to changing a receiving-ship (the usual place for instruction) to a fort or barracks, or other suitable building connected with some naval station; though, in some respects, a vessel had advantages for illustration of nautical terms, and for forming nautical tastes and habits. A vessel should be used for short experimental cruises frequently, even if the school was on shore. But he entertained a decided opinion that the whole establishment should be under naval officers, naval discipline, and the jurisdiction of some naval station. And so far from admitting to the school any not officers, or officers before having seen sea-service, he felt confident that abuses would creep in, and the whole scheme prove abortive, if either of those courses was tolerated. Such, in a few words, were his general views on this topic. Assured as he was that this school would be conducted on the principle he approved, his vote would be given for the bill.

There was a mistake in supposing that the difference of pay in the navy and the commercial marine created the present difficulty in procuring a full supply of seamen. On the contrary, when promptly paid and humanely treated in the navy, sailors generally preferred it to the merchant service. They had better medical attendance when sick, and pensions when disabled; and there was an honest pride in wearing the insignia of their country, and serving under its public flag. It was regarded as an honor, and justly so. But the difficulty lay deeper. Our commercial marine had greatly increased in the last ten years, and the growth of our tonnage there had created a large additional demand for seamen in the domestic as well as foreign trade. At the same time, the navy had been so augmented recently as to require nine or ten thousand seamen, instead of only five. This was the true source of most of the difficulty.

RE-ANNEXATION OF TEXAS.*

If I understand the substance of all the objections to the ratification of the present treaty, whether expressed in resolutions or debate, it is this:

First, that the government of the United States does not possess the constitutional right or power to purchase Texas, and admit her people into the Union. Next, that the present government of Texas alone has not the right or competency to make such a cession of her territory and sovereignty. And, finally, that it is not our duty at present to complete the cession, even were the right on both sides clear.

This seems to me to be the whole case, when stripped of details and perplexing appendages. I shall examine these positions separately, and I trust with that fairness and dispassionate spirit which belong to a question so momentous to our own country, as well as a sister republic; a question, too, on which I speak as the organ of no administration or party, but above and beyond them all, as an independent senator of an independent State, and trying to regard her interests, and those of the whole Union, in the long vista of the future, no less than at the present moment.

Some deny the constitutional power to purchase any territory situated without our original limits; while others deny not only that, but the power, at any time, to admit such territory and inhabitants into the Union as States.

Both of these powers have been exercised in the cases of buying Louisiana and the Floridas, and afterwards of admitting the three States of Louisiana, Arkansas, and Missouri, carved out of the former territory. They have, therefore, long been regarded as settled questions, till the opposition to them in this chamber, by the senators from New Jersey, Massachusetts, and Rhode Island (Messrs. Miller, Choate, and Simmons), has burst forth with such vehemence, that it may be well to advert to a few principles and authorities in their support.

I do this the more readily, as the pretence that such a purchase and admission into the Union are unconstitutional is the only plausible justification for the otherwise treacherous or fanatical cry of disunion, which so often deafens our ears. That cry originated on an occasion almost identical with this, when the act for admitting Louisiana as a State, in 1811, was pending.

In the debate on that occasion, a member from Massachusetts overflowed with such threats, till he was called to order for his violence,

* A speech on the treaty for the re-annexation of Texas to the United States; delivered in the Senate of the United States, June 4, 1844.

and escaped censure, on an appeal from the Speaker's decision against him, only from a conviction, in some of his opponents, that his threats would prove harmless. It was then the memorable saying was first uttered, which is now ringing again in our ears from the same class of politicians and from the same State, but with less point and elegance in these degenerate days. Mr. Quincy said:

"If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligations; and that, as it will then be the right of all, so it will be the duty of some, definitely to prepare for separation, — amicably if they can, forcibly if they must." — (See National Intelligencer, Jan. 19, 1819, and Lambert on Rules, p. 74.)*

It is true that the madness of faction can threaten disunion on the smallest as well as greatest occasions, and may at times venture on it, unless deterred by a dread of the halter; but it is equally true that there is no more real occasion or justification for it now, than there was when so much vaporing passed off harmlessly, in 1803 and 1811, about Louisiana, or than there was in the purchase of Florida in 1819, or the admission of Missouri in 1822. If those purchases and admissions were constitutional, so are these; and in order to allay the renewed excitement on this point (honest with many, I have no doubt), the patience of the Senate is asked a few minutes.

The words of the third section, article fourth, of the constitution, are: "New States may be admitted by the Congress into the Union." This is the whole that bears on the point now under consideration, and is broad and explicit enough to cover all cases deemed expedient and proper by Congress, whether situated without or within our original limits. I admit that Mr. Jefferson, not having been a member of the convention which framed the constitution, did at first consider it doubtful whether, by construction, this power ought not to be confined to States within our former limits; and he even went so far as to have a clause for the amendment of the constitution prepared, to cover the case of Louisiana. But, after full examination, and conferences with others, it is inferable as certain that he became convinced such an amendment was unnecessary, as it was abandoned, and he not only

* The democratic party, notwithstanding, passed the bill by a vote of seventy-seven yeas to thirty-six nays. The former included those sterling republicans, the Crawfords, Macons, Calhouns, Bacons, Cutts, Fiskes, and even Clays and Roots; while the latter were made up of the Quincys and Wheatons, and the Hales and Wilsons, who then stood at the head of the federalism of the east. The original treaty had been ratified in a like manner by twenty-seven republican yeas and seven federal nays. How is the division of opinion on this subject now? At a whig anti-annexation meeting in Worcester, Massachusetts, a resolution was recently adopted "to separate the free States from the others, if annexation prevailed." And ten members of the House of Representatives, headed by Messrs. Adams, Giddings and Slade, issued a manifesto, last year, declaring that annexation "would be identical with dissolution of the Union." — (See Niles' Register, p. 175, for May 13, 1843.)

The Boston Times of the 1st inst. says, likewise, "The abolitionists passed a vote last evening to dissolve the Union."

completed the treaty, but signed the act of Congress establishing territorial government over what had been purchased; and Mr. Madison, with his republican coadjutors in 1811, became convinced that the power, now and then questioned, clearly existed, or they never could have supported the act for the admission of Louisiana as a State. In truth, so fully had their opponents become of a like opinion on this point, that the admission neither of Missouri nor Arkansas was resisted on this account; and the purchase of Florida, in 1819, was approved as constitutional by every senator, federalist or republican.

The reasons for a change in opinion with some undoubtedly were, that the words in which the power was conveyed to Congress were unequivocal and explicit in favor of its widest scope; that they had been made more so in the progress of the constitution through the convention; and that this was known to have been done so not only to include one foreign territory, in the case of Canada, which had been specially provided for in the articles of the old Confederation, but to embrace all the contiguous British, or Spanish, or vacant regions, whose future union with us might afterwards be mutually desirable.

The framers of the constitution were men who looked deep into the future, and had no design to strip themselves of any high national powers or destinies.

When it was objected by some, in debate, in 1811, that, on this construction, States might be admitted, not only contiguous, but in the West Indies, South America, and even Europe, the reply seemed sensible and pertinent, that, on the American theory of self-government, no reason existed why we should not be allowed to admit any State that would conform to our representative system, and whose union with us should, by the majority of both countries, or the proper authorities, be considered mutually advantageous; and that we might well wish to extend the blessings of our government as widely as practicable.

So far as convenient and beneficial, the whole world may thus become partners, says Mansfield's Political Grammar (pp. 143 and 144). This extended construction of the power has proved a salutary one. (Story's Constitutional Class Book, p. 98.) It is settled beyond practical doubt. (Duer's Outlines of Constitutional Jurisprudence, p. 186.)

Such is the view in Tucker's Blackstone. (Ap., vol. I., p. 278.) And the Federalist itself looked to the clause for admitting new States generally as designed to include foreign territories adjoining us. (See No. 43.)

So Mr. Macon said, in the debate as to Louisiana, that the constitution was designedly made broad, so as to admit such a foreign territory and government as Canada, when agreeable to both; because the territory and people within our limits were already within the Union, and entitled to be, under old compacts, treaties, and cessions.

Such also was the view of Mr. Jefferson, under the Confederation (vol. I. Life, p. 398).

Indeed, how could wars be prosecuted for wrongs inflicted, and just indemnity obtained, if any conquests of territory made could not be held? They can be, and become a part of the nation. (1 Peters' Rep., p. 542.) And if so, are we to treat them, in due time, and when fit, as equals and component parts of the Union, or exhibit the shameful injustice, as well as impolicy, of keeping them in a disfranchised and humiliating servitude?

In 3 Story on Con., 193, it is laid down that "the General Government possesses the right to acquire territory by conquest or by treaty." Again, 190–1: "The constitutionality of the two former acquisitions (Louisiana and Florida), though formerly much questioned, is now considered settled beyond any practical doubt."

It was objected, in 1803, that, under the form of a cession, we may become united to a more powerful neighbor or rival, and be involved in European or other foreign interests and contests to an interminable extent. (p. 157.)

But the reply was, that "the right to acquire territory is an incident to sovereignty." (p. 159.)

Every government that ever yet existed possesses a competency to add to its territory. It ceases to have the functions of an independent nation, if it cannot, by treaty or discovery, obtain new boundaries for convenience, or new lands for culture, or new ports for commerce; and, as before suggested, it is stripped of the national function of acquiring territory, when assailed by unjust war, and holding it either for indemnity, or profit, or security. And if we can acquire it, reason, as well as the words of the constitution, requires us, in due time, to make States out of it, and admit them into the Union. (160.) Story says, in a note to this page, that the *Hartford Convention* proposed to prevent such admission, unless by a vote of two-thirds of both Houses; and, by a report in that body, indirectly denied the authority to admit States, or any territory without our original limits. But this doctrine has slept with that convention since, it is believed, till revived by Mr. Adams, in his Texas speech, in 1838, in Congress, and his political address in New York, in 1839.

How little ground exists for such a doctrine, even in the opinion of the greatest constitutional lawyer of his own party, may be seen by looking to 3d Story, pages 160, 161:

"SEC. 1283. The more recent acquisition of Florida, which has been universally approved or acquiesced in by all the States, can be maintained only on the same principle, and furnishes a striking illustration of the truth, that constitutions of government require a liberal construction to effect their objects; and that a narrow interpretation of their powers, however it may suit the views of speculative philosophers, or the accidental interests of political parties, is incompatible with the permanent interest of the State, and subversive of the great ends of all government, the safety and independence of the people."

This construction does not, as the senator from New Jersey argues, prevent the *blessings of liberty* from being enjoyed by the posterity

of our fathers as they designed; because there is enough at the bounteous table for all that posterity, and any new associates. All such can participate with them in that freedom, as they do in the air, water, and sun, without loss to either, and without exclusiveness and misanthropy.

In truth, our whole history serves to demonstrate the wisdom, on general as well as constitutional principles, of expanding our limits with the vast increase of our population and wealth. Such expansion prevents many of the evils of too dense a population, and secures the predominance of the safe, virtuous, and republican pursuit of agriculture. It is said that we have a Sparta, and let us adorn it. But is there never to be an escape from the infant shell, nor any enlargement of the shell itself to suit the growth of the animal within? Is our Sparta to be confined forever to a garden spot or single plantation, a single city or a few barren acres, as in Greece, with iron only for money, *black broth* only for food, and our *sons taught stealing* as an accomplishment, instead of spreading over half a continent, improving the sciences and the whole arts of the civilized world, covering remotest oceans with our commerce, and helping to spread, abroad and at home, superior education and a purer religion? Thank God, the scales fell from our eyes on this subject more than a quarter of a century ago, when Louisiana was purchased; and, instead of trying to replace them, if we are able to preserve Oregon,— gained both by discovery and purchase,— and to recover Texas, we can, in another half-century, not only again, as has been done, double our States, and nearly quadruple our wealth, numbers and power, but adorn, improve, and secure forever, all the fair inheritance with which we are blessed.

When we look to analogies abroad of cases of whole territories and governments being ceded and annexed to other governments, whether monarchies or republican confederacies, they cluster thickly.

France herself is made up of a union of what was once different kingdoms. So of Spain; so of Great Britain; so of Germany. Indeed, England not only re-annexed Wales,— the favorite and just term now,— but admitted Scotland, as well as Ireland, into a union with her, including government and the whole territory. The word *re-annexed*, as now applied, is as old as Blackstone, who says: "*The territory of Wales being then entirely re-annexed* (by a kind of feudal resumption) to the dominion of the crown of England." (Vol. I., p. 94.)

But, in confederacies, Switzerland has added and rejected various separate cantonments, with their whole government and territory. So of Holland, or the Netherlands; and so of the Mexican confederacy itself, now including one State formerly attached to Guatemala; so of Colombia; so of Buenos Ayres; sometimes adding new States, both territory and government, and sometimes amicably or violently separating. Indeed, several of the old thirteen colonies, now States, were originally obtained by England by treaties of cession.

In the Mexican constitution (see 2 Kennedy, 427), the power of

their Congress is no broader than ours. It is to admit new States to the Federal Union or territories, incorporating them in the nation; and under it one has been admitted which never before belonged in any sense to Mexico.

Hence, whether we look to the words of the constitution, or to the practice under it, or to the analogies of other governments, whether American or European, the constitutional right to annex is undoubted.

All which the constitution requires to admit States is the assent of Congress. Whether a treaty is also necessary to annex a territory seems questionable, unless it is regarded as done by a contract with a foreign power, which is usually commenced in the form of a treaty, and the terms thus settled with more convenience in the first instance. But there can be little doubt that, while the assent of Congress is alone sufficient, and is alone necessary by our constitution to admit a new State, it is proper to be given, after a territory is bought by treaty, to the payments to be made under it, and to the organization of its new government and relations; and, if so given without a treaty, may answer every object of reason and principle involved.

But the idea that, in these cases under our constitution, it is necessary to have the assent of each State in the Union as a separate State, or the people of each (and, indeed, as Mr. Adams supposed in 1804, of conventions in each State,—4 Elliott's Debates), except as both are represented in Congress, and then only a majority of their representatives in each branch to a law, or of two-thirds of the Senate to a treaty, is not justified either by any language or precedent. No different assent than this last was asked in 1803, or 1811, or 1819, or any other occasion whatever. And the only analogy in support of it seems to be a practice in Holland to require the assent of the States separately to the admission of new States; when, in truth, the practice there originated in an express clause in the confederation to that effect. (See it in 2d Davies' Hist. of Holland, p. 76.)

So another express clause in the old Confederation required the assent of nine States out of thirteen, in certain cases. When annexation was declined in 1837, it was on other grounds; and this point is explicitly stated by Mr. Van Buren, who was then President, to be no objection. In a constitutional point of view, the opposition "of a *considerable and respectable portion of the community*," as others argue, cannot rightfully defeat annexation, if there be a majority of Congress in favor of the measure; though such an opposition, and their reasons, would be entitled to respectful consideration, as in all other controverted cases. I admit that the wishes of the people should possess much influence, and it is desirable to know them before action on important measures; but they are not, by the constitution, required to be first consulted, before Congress or the treaty-making power can negotiate for territory. It was never dreamed of in the purchase of Louisiana and Florida, nor in the former attempts to purchase Texas, in 1825, 1829, and 1835.

But, if it were otherwise, the senator from Missouri admits that ten or twelve millions, out of fifteen of our free population, are in favor of the annexation. A majority of more than two-thirds here, and of all the voters in Texas but ninety-three, as stated by their commissioners, would then seem quite enough of the people themselves, in both countries, to satisfy the most fastidious.

How much some gentlemen are likely to obtain by the advice of the people before they act, however it is wished, can be ascertained from the extraordinary resolution to throw twenty thousand copies of the treaty and correspondence before the public, because "*the will of the people ought to be consulted on them;*" and yet refusing to wait a reasonable time to learn that will, and proceeding, the very next day, before a single copy was printed for the people, to discuss and decide on the measure.

On motion of Mr. Walker, to amend the amendment proposed by Mr. Crittenden, by adding at the end thereof the following: *and that a reasonable time should be given to hear from the people after this publication, before the final decision of the Senate upon the treaty*—

It was determined in the negative,—yeas 15, nays 28.

Having endeavored to show our constitutional right to purchase the territory of Texas, and to unite its people in our government, and having thus tried to remove the great obstacle to the ratification, which blocks up the threshold of our inquiries, I shall consider the next point, which is the right of Texas to make the cession, and enter into the Union. The objection to the form of doing this business, on both sides, I will examine hereafter, as I am at present looking merely to the great principles involved in the authority to take and to cede.

It is contended by several who oppose the treaty, that Texas is not in a competent condition to make this cession without the assent of Mexico or Spain,—some former master or tyrannical step-mother. Spain, it is believed, is pretty well silenced on this point by the great lapse of time since she has made any war on the territory of Texas, and any claim to govern her; or she is silenced by her recognition of the independence of all her American provinces. But how is it with Mexico? On what rest her claims to be consulted before the cession, so far as regards the power and capacity of Texas?

In the first place, the right of Mexico to Texas as ever having been an integral portion of her territory, and much less a portion of it since the independence of Mexico herself was acknowledged by Spain, is very questionable.

According to the opinions of such jurists and diplomatists as Jefferson, Madison, and Monroe,—of Livingston, Clay, and Adams (in 1818),—Texas was within the limits of Louisiana, when bought by us in 1803, as clearly "as the island of New Orleans." I shall not fatigue the Senate with details on this. But Texas had been discovered and settled by the French in 1685, five years previous to any Spanish settlement. (Marbois' Hist. of Louisiana, 107.) It had been

viewed as "the cradle of Louisiana." (4 Jeff. Life, 60.) It was in the grant by Louis to Crozat, in 1712. (1 Laws, 439.) After ceded to Spain, in 1761, its boundaries became unimportant; but when retroceded to and occupied by France, in 1800, she claimed as formerly, and delivered it to us by her officers, in 1804, as extending west to the Rio del Norte. It was boasted by Don Onis, the Spanish minister, who negotiated the treaty of 1819, after his return, that by his ability and tact it had been procured from us. Mr. Forsyth to Adams, July 30, 1820, says that Don Onis "endeavors to show that the treaty of cession of Florida ought to be considered as a treaty of exchange of Florida for Texas, a country more extensive, fertile, and valuable." The Spanish government itself seems to have instructed their minister that we might retain it, if no better terms could be procured. (See Erving's Exposé.) And Mr. Gallatin, after laborious research, before 1810, became convinced the territory was ours; and our posts had, therefore, as early as 1806, been extended beyond the Sabine to Nacogdoches, one of the remotest settlements of much size. (1 Laws, 437.) And Galveston itself was temporarily occupied by us, in 1817. (4 State Papers, 297. See more fully on this, Marbois' History of Louisiana; 4 State Papers; 4 Jeff. Life, 60; 2 Foote's History of Texas, 397, 376; 1 do., 194; 2 Kennedy, 445; 1 Clay's Speeches, 82 and 93.)

Under what pretence, then, can Mexico claim it? In 1819 we ceded it to Spain, not Mexico; and if, as some incorrectly maintain, Mexico was then revolutionized, she of course got nothing by this subsequent cession to Spain rather than herself. But if, as was the truth, Mexico never became independent of Spain, even by declaration, till February 24, 1821, though before torn by intestine divisions, all avowing loyalty to Spain, she claimed her independence only two days after the treaty of 1819 was finally ratified by us, and before Spain was notified thereof, or had taken possession of the territory, or had annexed it to Mexico; and months before Mexico got possession of the government of the country.

This is one view of the weakness of the claim of Mexico. Another is, that Spain had previously made claim to Texas; and, "under the Spanish government, Texas was a separate and distinct province. As such, it had a separate and distinct local organization." (See 1 Foote's History of Texas, p. 62.) When, therefore, her people, between 1821 and 1824, revolted from old Spain and declared themselves independent, and formed a new constitution and political organization, whether always before belonging to Spain, or given to her by our cession in 1819, they acted as a separate, free, sovereign and independent State, as much as did New Hampshire or South Carolina in 1776. Then, fifteen thousand people, probably (besides Indians), occupied her territory. As such, she continued in a revolutionary condition, till, Iturbide being shot, she joined the Mexican confederacy, with Coahuila, in 1824; and, with her, as a separate inde-

pendent State, continued in the confederation, under certain specified terms, till 1834 and 1835; though she wished a separate State government in 1832, having, in October of that year, held a separate convention from Coahuila, to form a separate constitution, and blocked one out; and sent Austin with it and a petition to Mexico, setting forth the reasons for separation. (2 Kennedy, 19 to 22.) He proved unsuccessful, and was imprisoned; and, in 1834 and 1835, when the confederated rights of Texas were violated by Santa Anna, her people oppressed, her State legislature abolished, and the confederacy dissolved, a consolidated government was erected on its ruins, October 5th, 1835, and she refused, as was her sovereign right, to enter into the new government. (See the decree, 2 Kennedy, 111, 89, 61.) She continued during 1835 to contend manfully against the usurper, and to sustain her independent rights, till the final victory of San Jacinto, in April (26th), 1836, crowned her efforts.

Her constitution, early as March 11th, 1827, and while in the confederacy with Mexico, used this emphatic language: Texas "is free and independent of the other United Mexican States, and of every other foreign power and dominion." (See 2 Kennedy's H., 444 p., Ap.) And again: after stating that she has joined the confederacy for certain specified purposes, the constitution declares that, for all others, Texas "retains its liberty, independence, and sovereignty."

What justifiable pretence, then, has there been since, for Mexico to attempt to dragoon a separate and independent State into a new form of government, or into subjection to her tyranny? What right of Mexico has she violated? The wrong is on the other side; and it is Mexico, to whom she owes neither duties nor allegiance, that is usurping a control over her affairs not justifiable either by sound principles of constitutional law or the great axioms on which the right of our own States and their people rest.

Let it be remembered, also, that Texas, beside being an independent sovereign State ever since the original revolution in 1821, and the first Mexican constitution of 1824, had entirely separated from the confederacy, when it was dissolved in 1835, as she had a right to, one to two years before the independence of Mexico herself was acknowledged by Spain, in December, 1836.

Texas had attempted independence, and half a year after, at San Jacinto, resisted Mexican occupation and control; and hence, may not have been included in Spain's recognition of Mexico alone.

Bring these facts home to our own system of government. Look at the analogies and rights. Read the eloquent and indignant remonstrances of Texas against the assumed authority over her, in her new declaration of independence, and new constitution, in 1836, and our hearts cannot but burn within us at the worse than British dictation and oppression which are claimed and attempted to be exercised over her; and if cause of just war exists at all, it is on the part of Texas, and against Mexico, rather than the reverse.

But if any consider this view of the case as in some respects not tenable, we invite their attention to another aspect of the subject, which strengthens much the right of Texas to make this cession, and be received into the Union, and enjoy all its benefits, as proposed by this treaty.

When we purchased Texas within the limits of Louisiana, in 1803, we engaged, by treaty with France, to perform the solemn duties set out in the third article, first Laws, p. 136.

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted *as soon as possible*, according to the principles of the federal constitution, to all the rights, advantages, and immunities, of citizens of the United States; and, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Now, if any of the people of Texas reside on territory then within the boundaries of Louisiana, this obligation remains in full force, unless France has released us from it, or those people have relinquished it, and do not now desire its fulfilment.

I concede that we may have done acts which bar or estop us, both morally and politically, from making any further rightful claim over them, against their consent; but have they ever become constitutionally divested of their right under that treaty provision?

I have already proved that the territory of Texas was geographically within the limits of Louisiana; and whatever may be her present true boundaries, it is well known that the people of Texas now asking admission reside on that part of her territory conceded by all not to be west or north of her old limits.

The obligation imposed on us in 1803, then,—how have we become exonerated from it? In no way, I apprehend, unless by the treaty made with Spain in 1819, ceding all our territory west of the Sabine, and thus ceding away Texas herself. To understand the precise character of that treaty, it is necessary to notice that it was not, as many have hastily supposed, a treaty merely defining, with particularity, limits before general and uncertain between contiguous nations.

But, turning to the third article (6 Laws, 616), it will be seen that, after describing a line north from the mouth of the Sabine, and then north-west and west to the South Sea, "the United States hereby CEDE to his Catholic Majesty, and RENOUNCE forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, his Catholic Majesty *cedes* to the said United States all his rights, claims, and pretensions, to any territories east and north of the said line; and for himself, his heirs and successors, renounces all claims to the said territories forever."

Besides fixing some boundaries before doubtful, the treaty of 1819 was thus manifestly one of cession; as much so, on our part, of Texas, as on the part of Spain of the Floridas, the same language being used in both cases. The territory then being very large, and its inhabitants

several thousands, it was neither constitutional nor right to cede them away, and deprive them of their claims to be admitted into our Union under the Louisiana treaty, without first asking and obtaining their consent. Neither of these was done; and whatever acts they have since passed, under a supposition that their claim had by us been legally extinguished, are not to injure or debar them, *in forum conscientiæ*, — in sound morals or just principles, — from now requesting, as they virtually do by this treaty, a reünion and admission to all the privileges before stipulated to be allowed them. These positions are so important as to justify some further proofs that the treaty of 1819 was then regarded on both sides as one of cession. The message of Mr. Monroe, in December, 1819, says "we had CEDED *valuable territory;*" and Mr. Clay, in 1820, declares that we unadvisably CEDED the country west of the Sabine to the Rio Del Norte. So Mr. Adams, before the ratifications were completed (May 3d, 1820, 4 State Papers, 684), says of the United States, "their right of territory was, and yet is, to the Rio Del Norte;" and (in February, 1821), "these concessions on the part of the United States were great; and the treaty was a treaty of '*mutual cessions*' (4 State Papers, 703); in the words of Don Onis, it was a treaty of EXCHANGE of Florida for Texas, — a country more extensive, fertile, and valuable."

The propriety of that exchange or cession is a very different question; and, however proper most of it may, as early as 1806, have seemed justifiable to one House of Congress, and the whole of it advisable to all of the other House, and the President, in 1819, yet with the knowledge we now possess of the value of Texas, and the land ceded on the sources of the Red river and the Arkansas, as well as of the better terms which might probably have been procured of Spain, the cession is much to be regretted.

But before complaining too severely of those who participated in the making of the treaty, and in its ratification, by having obliged us not only to pay five millions of dollars for Florida,—a country that has been called mere sand-banks and swamps,—but to cede the whole of Texas, larger and richer than three Floridas, it may be well to advert to one or two considerations. The title of what we ceded was controverted, however improperly; but that of what we obtained was uncontroverted. The extent and character of Texas were then little known or appreciated; while the importance of the possession of Florida by us, with a view to the free navigation of the Mobile and Apalachicola, was thoroughly understood, as well as its benefits to the rich countries above, of having American dépots and outlets for their produce near the ocean, and additional guards to the domestic tranquillity of the south, and the security of her peculiar property and institutions. These circumstances induced Mr. Jefferson, as early as the attempt to buy Louisiana, to seek to obtain the Floridas also. (4 State Papers, 738—9.)

It is not a little curious that, in the original instructions, they extended only to the buying of that part of Louisiana consisting of the island of New Orleans, or all east of the Mississippi, and including, at the same time, the Floridas; but neither Texas nor anything else west of the Mississippi. (See Doc. 102, 19th Con., 1st session, to the Senate, dated 20th May, 1824. The following numbers refer to letters in that document: Nos. 462, 460, 466, 468, 471, and 476. See also 2 State Papers, pages 537, 541, 516, 520, and 529.)

The value put there on the different objects of purchase is significant, as for New Orleans alone the minister was to give three-fourths of the whole sum, and for the Floridas the other fourth; but only half as much for East as for West Florida, if obtaining but one of them. (See page 743, Doc. 102.) At one time we even proposed to guarantee to Spain the west side of the Mississippi (Madison to Pinckney, May 11th, 1802, No. 462, as above), should she cede to the east side.

The cession of the whole province of Louisiana was rather a proposal from Bonaparte, than ours;—fearing lest, in an approaching war with England, she might seize the rest; and urging, as a reason for it, that the rest, if not wanted by us, could be sold by us to some other power. (2 State Papers, 552, Livingston to Madison, No. 476, in document above.) How fully and authentically does this fact repel all the libellous imputations then and since made against Mr. Jefferson and us, for seeking Louisiana (including Texas) from ambition and the love of aggrandizement! But after Louisiana was obtained without Florida, the latter was still regarded as so essential, that, on a message by Mr. Jefferson, of a confidential character, in January, 1806, Congress itself, in secret session, matured a law appropriating two millions of dollars to enable him to make the purchase; and the object of the law was concealed from foreign scrutiny and intrigue, by entitling it "An act to defray any extraordinary expense which may be incurred in the foreign intercourse between the United States and foreign nations." (4 Laws, p. 5, February 13, 1806.)

In order to aid in that negotiation, the following memorable resolutions were passed in the House of Representatives, in secret session; and are, in truth, I apprehend, the whole foundation of the subsequent cession of Texas in 1819, whose demerits have been the object of so much animadversion. There had been instructions before to make the Colorado the western boundary, if every difficulty could thus be adjusted with Spain, and the Floridas obtained; but an absolute refusal to cede any part of Texas or Louisiana east of the Colorado. (See fully on this 2 State Papers, pages 626 to 666, containing letters from July, 1803, to May, 1805, to and from our ministers at Madrid.)

Here are the resolutions:

"*Resolved*, That ——— dollars be appropriated by law towards defraying the expenses which may be incurred in the purchase of the Spanish territories lying on

the Atlantic Ocean and Gulf of Mexico, and eastward of the Mississippi, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall have authority, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum per annum, redeemable at will; and shall cause an account thereof to be laid before Congress, as soon as may be.

"*Resolved*, That an exchange of territory between the United States and Spain is deemed by this House to be the most advantageous mode of settlement of existing differences respecting limits between the United States and the court of Madrid; and that any arrangement between the two governments which shall secure to Spain an ample barrier on the side of Mexico, and to the United States *the countries watered by the Mississippi*, and to the eastward of it, will meet the approbation of this House." (See House Journal for January 14, 1806, Appendix, pages 437 and 458.)

The negotiation was at once renewed, with a view to buy the Floridas, or get them in exchange, on those or better terms. (See 3 State Papers, pp. 539 and 540, March 13, 1806, Madison to Bowdoin.)

In truth, so vital to self-preservation and peace was the possession of them regarded, not only in 1806, but in 1811, that the forcible occupation of it in the latter year was authorized by Congress, as will soon be more fully explained. And again, in 1820, Mr. Monroe advised another forcible occupation, if Spain longer refused to ratify the treaty of cession in 1819, which the Senate had already ratified unanimously. After this retrospect, and much more that need not now be detailed, I can readily conceive that, not only in 1806, but in 1819, when the extent and value of Texas were less known than now, and when the Floridas were so much nearer some of the old and well-settled States, and their possession so highly appreciated on other accounts than their soil, — that such a resolution could be easier passed by Congress, and easier complied with by the executive, than now.

In the then infancy of the republic, and the comparative ignorance of the sources of some of the tributaries of the Mississippi and the vast western extent of Louisiana, the west side of that river was much lower appreciated than it deserved; and only one State was contemplated to be established on that side, and a large reserved territory to be held for the Indians. (4 Jeff. Life, 51.)

But, we had hardly parted with Texas, before the explorations and enterprise of our people, under the blessings of peace, unfolded more as to the extent and fertility of that region, and the remote sources of many of our beautiful rivers; and it was soon discovered that we had failed to retain even what Congress had originally intended in the resolution should not be ceded, — that is, all the land on all the tributaries of the Mississippi.

A large and valuable tract on the Red and Arkansas rivers was parted with, either through want of correct geographical information, or other causes now unknown, and conflicting with the resolution.

Hence, in a few months, inquiries arose in Congress whether more had not been ceded than was proper; and a resolution was offered by Dr. Floyd, to ascertain if Spain had not empowered her minister to

go further west with the line, and if that fact was not known to the Secretary of State. (Journal of House of Representatives, January 27, 1820, p. 176—7.)

Hence, too, as soon as April, 1820, Mr. Clay offered the resolutions now in my hands, calling in question the legality of the cession, as well as its expediency. I will read the first one:

"*Resolved*, That the constitution of the United States vests in Congress the power to dispose of the territory belonging to them; and that no treaty purporting to alienate any part thereof is valid, without the concurrence of Congress."

Hence, not only were efforts made by him and Mr. Adams, as early as 1825, to regain the whole country by a purchase from Mexico, and again in 1827, and again in 1829 by General Jackson and Mr. Van Buren, and thenceforward till 1835, when Texas declared her independence, but, in the Senate, Mr. Preston, in 1838, offered another resolution, that the original cession in 1819 was "*of evil precedent, and questionable constitutionality.*"

Without going further now into the historical data connected with this branch of the inquiry, it must be evident that, if the cession in 1819 was void from any cause, Texas, being within the original limits of Louisiana, ought now to be, under the stipulations of the treaty of 1803, protected in her religion, indulged in all the rights of American citizens, and as soon as possible admitted into the Union on equal terms with all other new States. I do not go for technicalities for or against this view of the subject; nor am I disposed to allow little special pleading, by estoppels or forms, to prevail against her moral claims on us,—her substantial and legitimate rights. How are the merits, then? France has never released us from the obligation, in the treaty with her, to admit into the Union all the territory then within the limits of Louisiana. Texas has never been asked to release us. Could we, then, become exonerated by our own acts alone? Certainly not, as we are but one party to the contract.

No principle is better settled than that a government of limited powers, having once acquired territory, or admitted States into its Union, cannot sell portions of them to foreign powers. There is no such grant in the instrument,—there is no such practice. The disposal of the fee in wild land to individuals and companies is all the power in selling territories or States which has been exercised, in other cases, under this authority. But in no case has the jurisdiction or sovereignty over the people in territories and States, whether few and small or numerous and large, ever been exercised, without that express assent of the parties in interest previously obtained, which, on elementary principles, can confer any right, or ratify any transaction. Here the territory was large enough to be consulted, and its population,—it being, beside Indians, quite fifteen thousand, probably, in 1819. It had been seven thousand when Pike visited there, twelve years previous. Hence, while Vermont would be admitted into the Union by

the assent of a majority in Congress, after 1789, yet we did not consider Congress, or the President and the Senate, competent to cede a part of the territory of Maine, in 1842, without asking her previous consent. Hence, early as 1793, Mr. Jefferson, and others of General Washington's cabinet, doubted whether any part of the north-western territory could be ceded even to the Indians, and much less its jurisdiction to any foreign power. (See 1 Jefferson's Life, page 409. 4 Jefferson's Life, page 479.)

The old Congress of 1786 (4 Secret Journal, page 100) held that the United States possessed no power, by a treaty, to convey a part or parts of the territory of the United States west of the Alleghanies; and Vattel (book 1, chapter 21, section 260) holds, that only the nation, or its representatives, and not the prince, or treaty-making power, can cede territory; and it seems well settled in England, that no part of the realm can be dismembered or alienated, without the consent of parliament, as well as of the king. (Book 116, chapter 2, section 10.) Mr. Sheffley, in debate (National Intelligencer, January 5, 1811), pronounced the opposite view, as to a part of a State, "a doctrine spurned at by all."

Mr. Clay maintained, in 1820, that it could not be done without the assent of Congress; but the better opinion is, that the territory or State ceded must consent, and not Congress alone.

The cession, then, of both jurisdiction and soil in Texas, in 1819, without the previous consent of its actual inhabitants or territorial government, was irregular and imperfect. Whatever subsequent acts might be regarded as a technical acquiescence in the cession, it was still, in point of law, erroneous, and must be a departure from treaty stipulations, unless we now, when requested, admit them to all the privileges originally promised. There can be no doubt, if these positions are well supported, that they are fully competent to ask our assent to the retrocession and reünion; and thus, without regard to forms, do in substance all which is necessary on their part to perfect the measure. But, while contending for this in their behalf, on great principles of moral and political obligation, I would not do injustice to any other power with whom we inadvertently made new and incompatible engagements. Though those engagements are, according to Vattel, inoperative,—the first treaty being valid over a subsequent one which conflicts with it,—yet any injury done by annulling the subsequent cession ought to be remunerated to the party suffering. But that party, whether Spain or Mexico, have now no cause of complaint, and suffer no loss by this construction; because, since that cession in 1819, and while it remained *de facto* in force, Spain, in December, 1836, relinquished all her claims over Mexico, if not Texas; and the latter has been independent of Spain for more than twenty years, and for more than ten years has resisted the usurpations of Mexico over her rights as a separate and sovereign State, and for eight years has declared and maintained her independence as to the whole world.

There will be, then, a great moral fitness and beauty in the disposition of human affairs, if now, after the lapse of a whole generation, we should be able, by the re-annexation of Texas, to meet the wishes of her people in being admitted to the blessings of our Union, and should, at the same time, fulfil our own previous treaty stipulations in their favor; and, without injury to any rights of others, should regain a territory so vital to so many interests of all sections, and so long and so devoutly sought for by such a succession of statesmen and patriots.

The solemnity or inviolability of the treaty of 1803 is quite as great as that of 1819 or 1828, or any other since, and its obligations on this subject are both prior and paramount.

But, supposing that both these views are untenable,— and, for the sake of argument, indulging a moment in the idea that Texas was not embraced within the limits of Louisiana, or, if so, was legally ceded to Spain, and afterwards became an integral part of the Mexican empire,— had she not, when the terms of her confederacy with that government became wantonly violated, her citizens imprisoned, and her privileges outraged,— had she not a right to assert and maintain her independence? Would she not have been false to her American blood, not to have done it on the field of San Jacinto, as well as down to the present moment?

Among the long list of grievances and usurpations set out in the declaration of her independence (Senate document, No. 415, June 23, 1836), was this: that Mexico "has dissolved, by force of arms, the State Congress of Coahuila and Texas," as well as denied liberty of conscience, and committed piracies on her commerce. For such as these she made that declaration, and has since sustained it with the rifle and the bayonet.

On the American system of politics, had she not a right to separate, for such abuses and violations of duty on the part of Mexico? Listen to the doctrine,— which some seem to forget, but which is laid down in our own Declaration of Independence,— on this subject, penned by Jefferson, and sanctioned by Franklin, Hancock, Adams, and their patriot coadjutors:

"When a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them (the people) under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

What is the American system, as adopted by my native State, and most of the others in the Union?

"The people of this State have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State," &c.

"All government of right originates from the people."

"Whenever the ends of the government are perverted, or public liberty manifestly endangered, and all other modes of redress are ineffectual, the people may, and of

right ought to, reform the old, or establish a new government." (See the New Hampshire constitution.)

See also 2 Barlemaque, p. 128, stating that a people may, for a good cause, always revolt and change their government.

Mr. Clay's speech on the recognition of the independence of South America, and Mr. Webster's on that of Greece, are full of these doctrines, however heretical their views may be on some other questions.

By this (the true American system of politics) man is regarded as a free agent, possessing a right to self-government. We hold that communities may not only change their form of polity, but divide and erect a separate institution, when oppressed, and driven, by a series of wrongs, into revolution and independence. Mankind, in our theory, do not hold their rights from kings or royal charters, or holy alliances, but from God; and far from its being proper to sympathize with, and defend, oppressive governments in re-conquering revolted subjects, it is false to our own course in the Revolution to dream of it; and the hearts of the whole American people should burn at tyranny,—should sympathize with the suffering, invigorate public opinion in their favor; and, as soon as duty may permit, after their independence has become in fact established, through a new government instituted, and new laws and rulers selected, and stability and quiet given to their national affairs, we ought to acknowledge both their *de facto* and *de jure* existence,—their full right to come into the family of nations, and exercise all the powers of independent sovereignties. The other side of this question is the British or European side. Theirs is the doctrine of eternal allegiance; ours, that of free agency and self-government. Theirs is the doctrine of the Divine right of kings; ours, that of the Divine right of the people. Theirs is the doctrine of tyranny over the mind and conscience,—the reign of it upheld by the bowstring, the inquisition, and standing armies; ours is the doctrine of liberty, upheld by reason, intelligence, and sound morals. In some respects, the struggle between these principles has been going on since civilization has been much diffused, and especially between colonies and their parent country,—the former striving for privileges commensurate with their growth and rights. It is the child become a man, and claiming the authority and immunities of a man; and is to be countenanced, rather than proscribed. All people thus situated, in all time,—whether Carthaginians from Tyre, Greeks from Egypt, Marsellois and Syracusans from Greece, Spaniards from Rome, North Americans from England, or South Americans from Spain,—all have thus acted, and been thus recognized and sustained; and so must be Texas. But we were destined to open the drama on the new continent.

The colonial system thus prostrated here in 1776, and a new government like our own springing up on its ruins, astonished the powers of Europe, as well as all the Old World, as much as the original discovery of America by the great *world-finder* who breathes in marble by Persico in front of the capitol. Yet, forsooth, we hear it now

gravely argued that a people like those in Texas cannot, *de jure*, cede their territory, or unite with us in government; but must first, with due humility, ask leave of Mexico, or submit to be reconquered by her and have the conveyance emanate from her, in order to have it suit our opponents' modern American notions of self-government; and all this, though Texas revolted for as good cause as we did from England, though she has established as good a constitution and laws, and though she has maintained them all firmly and unimpaired for years, and has been recognized and negotiated with as a sovereign and independent nation by all the great powers of Christendom! Yes, kings, at the Congress of Vienna, may cede principalities and powers, extinguish old or create new governments, and transfer the people like sheep; or kings alone may partition Polands, and blot out obnoxious dynasties and empires from the map of the world,—as England does, over and over again, in India;—but a sovereign people and their established government, by a vote almost unanimous, are to be held incompetent to cede their territory and change their government. And this is to be held, also, by us Anglo-Americans and Spanish-Mexicans, who exist as nations only by revolts and changes of their own governments; and, furthermore, that, if we dare only by peaceful negotiation to take the cession, it ought to call down on our presumptuous heads all the horrors of foreign war.

What are the more specific points in this objection interposed by senators in debate?

First, that, though independent and sovereign, the republic of Texas is not competent to cede its whole territory, though it might be to cede a part. And it is urged that, in the case of Louisiana and Florida, only a part of Spain and France was ceded.

But how absurd does such an objection appear, when, if Texas owns 200,000,000 of acres, she might legally cede 199,999,999 acres, but not that and the other acre; or she might legally cede a quarter of it at one time, another quarter at another, and so through the whole, except the last! No, sir! she is neither entirely independent nor entirely sovereign, if incapable of conveying the whole. Such are the principles of national law.

"A free people, or a king, may alienate their territory, in part or in full."— *Grotius*, 2 *b.*, *ch.* 6, *sec.* 7.

And if in full, then the union of their people with our form of government follows as a matter of course, unless they choose to emigrate elsewhere, and join some other government, or form a new one on some vacant portion of the earth, like that of Æneas and his companions from Troy, or Dido from Tyre. And if the people and the independent republic of Texas are, for this reason, not as competent to unite with us entirely as they are to cede only a part of their territory, then the absurdity would seem to follow, that they never can be competent for admission into the Union, though recognized by Mexico, and no

shadow of war existing, till they become qualified by abandoning their independence, repudiating republicanism, and, as a servile dependency or re-conquest of the monarchs of Spain or Mexico, be sold merely as a portion of their territory to the United States.

When senators contend that this cession of the whole destroys the ceding government or nation, and is hence impracticable and unprecedented, they forget that the nation may still hold together and migrate, or may agree to unite with the neighbor to whom their territory has been conveyed; and that this is neither unusual nor unreasonable. Pray tell me, did not Rhode Island unite with us all her territory, and all her people, and all her government, rather than a part; and thus became annexed to that Union whose constitution she before had refused to aid in forming, and refused to adopt, till in all quarters denounced and reproached by your fathers, and till legislative penalties and burdens were threatened to her by the administration of Washington himself? But, notwithstanding this, does the senator (Mr. SIMMONS) admit, as he argues about Texas, that Rhode Island was incompetent to unite with us? that she came in only under the threats of Congress, and hence it was void? or that her "*lone star*" (all the other old States being then under a new constitution without her) became, by a junction with them, blotted out, extinguished, and her sovereignty destroyed? Just as much in her case as in that of Texas; and, as I have shown before, and will ere long again, just as much, and no more, as new provinces and their whole governments were destroyed by uniting with Holland, and others with Switzerland, and others with Central America, and others with us.

It is true that, if the republic thus ceding and uniting is under obligations to others, she cannot thus become rid of them; but they remain on her, or the whole government to which she is joined. Such are her obligations by treaties, and her liabilities or exposures for wrongs, or for claims, however unjust, by other powers. But that does not impair the full right to make a cession, though it may affect the expediency and duty of us to take it, if the liabilities are very onerous, or her belligerent dangers very imminent.

We will look into that soon, after disposing of the question of the right to cede the whole. The only other point in the objections I have heard urged against that right is the claim still set up by Mexico to rule over Texas. But, however that claim may be obstinately persisted in, I contend that, after all which has taken place, and now exists, it does not impair the right of other nations to take such cession, or of Texas to make it. Please to note the distinction.

The incident that a war may be waged by any belligerent against any purchaser of territory from the other belligerent, does not impair the right to sell; for the vendor may have owned the territory for centuries, and been recognized by its antagonist, as well as the rest of the world. But it does influence the expediency of buying, and more especially if the belligerent conveys all his territory, and unites his

government with another; because, in that event, I admit that the risk of such claims, and such hostilities as exist,— all the incumbrances,— are assumed. Yet this is the whole, and is no impeachment of the independent and sovereign right to convey;— that right Texas has, if she possesses the usual attributes of a nation.

She is one (as before explained in a recent letter of mine on this subject) in such manner and form, no less than substance, as, in my apprehension, justifies other nations in treating her as a *de jure* as well as a *de facto* government, and competent, under the principles of popular liberty, and the soundest international law in both hemispheres, to cede her territory or unite her government to another, without asking the consent, or giving just cause of war to any power.

What are the common-sense tests on this subject? If size of territory, she is as big as France, and as large as any four of our own States. If population, she has one ranging, by different estimates, from two to three hundred thousand people of all kinds. If a regular constitution of government and code of laws, she has both. If a uniform administration of justice, and the rights of conscience secured to all, rather than the protection of the Catholic religion alone, as in Mexico, she enjoys them. She has troops and ships of war. She has had her independence acknowledged by the United States, by Great Britain, France, Holland, Belgium, and, indeed, all the great powers of Christendom not under the sway of the Holy Alliance; and she has treaties of commerce and international agents with most of them.

No towns, castles, or counties, have there been held by her old enemy in doubtful or divided empire. Her revolution is not in embryo, but full grown; not going on by preparatory steps, but finished, stable. Not distracted by rival constitutions, rival chieftains, and rival armies, such as long desolated many Spanish provinces, but domestic harmony and peace reign throughout. Their prisons are not filled with political victims. Order, and law, and the rights of property, are respected; and neither taste, nor education, nor sympathies of any kind, are lingering round their former government, and smoothing the way to the remotest thought at reconciliation. But Texas has other qualities and characteristics as a nation, showing her competent to enter into any contract or arrangement with other nations, as fully as the oldest power of Europe. Besides having been for several years admitted, in all respects, into the great family of nations, she is liable for her own wrongs to them; and is held so, and not Mexico, as appears by her treaty of indemnity to us in 1838. She is authorized to seek redress for injuries to herself, and not Mexico for her; and she has, in this way, and by treaties binding her commerce, limits, soil, and jurisdiction, been much wider acknowledged, and longer in the independent government of herself, than had Bonaparte, in France, when he sold Louisiana to us. Such, I admit, was not the position of her affairs when annexation was proposed and declined in 1837; but their affairs have made great strides since; and one unfortunate mistake with some,

in the consideration of this topic, appears to be in not reflecting enough on the changes in her relations and national maturity and stability, made by the progress of time and events during the past seven years. It is manifest that, if a people have, by sound principles, a right to self-government, and, when oppressed, can, like the United States, properly revolt from England, or Mexico from Spain, or Texas from Mexico, and having declared their independence, do maintain it till they give, as in this case, all the usual indications among nations of manhood,—discretion, power, justice, and order,—the question of their *de jure* sovereignty thus becomes as clearly settled in respect to all third persons as their *de facto* sovereignty. The assent or acknowledgment of their old masters does not constitute the right, but merely admits it; as the minors or apprentices, claiming to be adults and free, and acting as such, derive their rights from the facts of the case, whether acknowledged or not by those to whom they were once in subjection. The world must otherwise become divided into mere holy alliances, with all their monopolizing dogmas, on the one hand, and on the other only such as they consider mere rebels, pirates, and banditti; breaking up, in this way, all reform or progress, and yielding to the claim of the Divine right of kings over all the human race, till voluntarily relinquished. The war of opinion on this question was settled in favor of the people, after sixty years of desolation and carnage, on the plains of Holland; again at Lexington, Saratoga, Yorktown; again in Europe, after deluging France in blood; again and again on both slopes of the Andes, as well as in Mexico herself, on a basis never again to be shaken in the New World.

Moreover, she has a body of intelligent and talented men, of the true Saxon race. And if all these do not constitute a State, what does? Not kings, garters, and titles of nobility,—not high-walled battlements, nor moated gates,—but "men, high-minded men, who know their rights, and, knowing, dare maintain."

The last objection under this head is, that, though she may be a *de facto* State, she is not one *de jure;* and therefore possesses no competency to make the cession.

What is a *de facto* government, as contradistinguished from a *de jure* one? It seems to be argued that one merely possesses power, regardless of right, or without reference to right. The other not only possesses it, but rightfully, under good authority, *reasons*, or laws; for *jure* means only one or the other, as occasion requires. Thus, Cromwell's government has been called a *de facto* one. But, without reference to his ultimate rights in respect to the Stuarts, many other nations made treaties with him, as rightful head of England, in less than one year after he became protector. Such as that with Denmark, September 15th, 1654, when he had been protector only from December 16, 1653, and in 1654 with Sweden, Portugal, and France. (3d Col. of Treaties, 67.)

The possession of power, I grant, must not be merely *momentary*,

and unsettled or changing, but apparently firm. (Martin's Laws of Nations, b. 7, chap. 1.) And he was well known to multiply his treaties, in order to strengthen his claim of right.

In this way he soon became so fully seated in power, and the nation so acquiescent, and the Stuarts so incapable of disturbing him, that his treaties of alliance and cessions, as well as other treaties,— like those of Bonaparte to us of Louisiana, in less than two years from his acknowledgment by other powers,— must be regarded as right and valid. What Stuart or Guelph since have dared to violate any of Cromwell's treaties, as not made by a *de jure* government, so far as respects all foreign powers? What Bourbon has, since 1803, ventured to attempt to vacate Napoleon's treaties of cession with us, as well as other powers, for not being made by a *de jure* government, looking to the rest of the world?

But there is much more in the present case as to the *de jure* government of Texas, if we regard its origin and our own system of politics. Texas has been, as we before intimated, an independent and sovereign state, with an excellent separate constitution, near twenty years. Her union, during a part of this period, with the Mexican confederacy, does not alter this. She has since broken no obligations as to that confederacy, but they have all been broken by her oppressors; and these last are the real rebels and overthrowers of the confederacy, and not she. Texas had reason, authority, and law, all to resist the assaults of Mexico for enslaving her to a new and consolidated system. She had never entered into any such system. Her efforts to maintain her independence, under those assaults, have been as rightful as ours in 1776. She has, since 1836, been independent even of the confederacy, and been a *de jure*, as well as *de facto*, sovereign government; and though, in 1837, the union with her might have been more likely to expose us to war, and hence not prudent, it would, in the other view, as *de jure*, have been perfectly justifiable, if her government then had appeared to be settled, mature, and efficient.

It is most extraordinary that the right of Texas to cede to us her territory without the consent of Mexico should now be doubted by those who, in 1825 and 1829, did not question the right of Mexico, *de jure* as well as *de facto*, to cede Texas without the consent of Spain.

How stood the facts then as to details? Mexico, though revolutionary, and with internal disturbances, under Spanish supremacy, between the Creoles and others, from 1810 to 1821, yet never sought nor asked independence of Spain; and both parties vied in loyalty to her, till Iturbide's defection, and the declaration of independence, made at Iguala, 24th February, 1821. (4 State Papers, 848, 835, and 1 Foote's History, 94, 96, 99.) The troops and power of Spain were driven from the capital and most of the cities during that year; but the castle of Ulloa, at Vera Cruz, continued in the possession of the mother country, when we recognized her independence in 1822, and when we first applied to re-purchase Texas in 1825, as extending to

the Rio del Norte. The constitution of Mexico admits that her independence never commenced till 1821, being "*given in Mexico, 4th October*, 1824, *fourth year of independence.*" (2 Kennedy, 443.) Yet, in only one year after the adoption of this constitution, only four after her independence was declared, and but three after it was recognized by us,—all short of what prevails in Texas now,—Messrs. Adams and Clay thought she had the *de jure* right to cede territory to us, without asking the consent of Spain, and without heeding the adoption of any war then existing.

How could that be legitimate, if Texas, after being an independent State near twenty years, and separated from Mexico eight years, cannot now be allowed as *de jure* competent to negotiate for selling her territory, without the consent of Mexico? Like facts apply to 1829; and they are appealed to now, not for taunt or recrimination, but as evidence that the ablest minds then, and the most experienced diplomatists, had entire confidence that such a cession as is now before us could be accepted with propriety, and vindicated before the morality, religion, and law, of the whole civilized world.

The only other differences material to the argument are, that in 1825 Mexico had been recognized by not half so many other nations as Texas has now, and had maintained her independence for only about half as long a period; and that the revolution in Mexico was then progressing, not in all respects finished; her independence unsettled, not firm; her soil invaded and occupied by her enemy, not free from hostile feet; her laws despotic, not liberal; her people agitated by internal broils and factions, not united or peaceful; and Santa Anna's government much like what Bolivar considered his in Peru—not settled, but a camp; "for," said he, "*my administration can only be called a campaign.*" *A fortiori*, then, can Texas cede now *de jure*, if Mexico could then. But another difference, still more potential in its influence rather than argumentative in force, is, I admit, that nobody then stood behind Spain to back her up; while now we see, or seem to see, the shadows of England's thousand ships of war in the wake of Mexico, and hostile to our success from other causes too deeply well known to need recapitulation.

What do gentlemen on the other side, as lawyers and publicists, hold as the true doctrine on this subject of *de facto* and *de jure* governments? Let us be plain and explicit with each other. Was not Cromwell's protectorate, after established and recognized by other powers, a *de jure* as well as *de facto* government in respect to them? And could he not legally have ceded territory, as well as received cessions, until the Stuarts and their partisans renounced their claims? Did foreign powers treat with him, or with the exiled family? So with Napoleon: was he not *de jure* as well as *de facto* emperor, as to the rest of the world, until the Bourbons and their partisans should recognize him? Was he acknowledged and treated with, or Louis XVIII. in banishment? Neither he nor Cromwell

was ever able to transfer territory and impose obligations on either England or France, by the doctrines on the other side, though all history and national law have settled the fact the other way. Some doubted the *de jure* right of Don Miguel when in power *de facto*, and others that of Joseph Bonaparte in Spain, and even of Louis Philippe now in France; but were they, and are they, not all regarded as *de jure* to make and receive cessions while in power, and acknowledged by other nations, however soon most of them, as well as Cromwell and Bonaparte, became dethroned?

But the senator from Massachusetts says there are three stages in reaching *de jure* power. First, a revolution; second, a recognition by others; and, thirdly, an acknowledgment by the old authorities, or an utter abandonment by them of their claims. But neither such acknowledgment nor such abandonment took place by the Stuarts as to Cromwell, or the Bourbons as to Bonaparte; and yet their acts have *de jure* bound both England and France as to all other nations.

It is just so as to a revolution like Holland, Mexico or the United States, or, in one view, Texas; separating a portion from the old government, and forming of it a new one, and declaring its independence. Does nothing but the acknowledgment of the parent power, or an utter abandonment of its claims, enable the separated and independent portion to perform *de jure* acts as a nation, and bind its people and acquire rights for them of the rest of the world, as if a *de jure* government? Certainly. Certainly Holland, Mexico, and the United States, all, as well as Texas, have claimed to be *de jure* long before such acknowledgment or abandonment. Holland dated her independence seventy years before Spain recognized it.

Our independence dates from 1776, and not its recognition by England in 1783. So that of Mexico from 1821, and not 1836, its recognition by Spain. So Belgium, from 1830, and not afterwards, when recognized by Holland. And so does Texas from 1836, and not any future period, when Mexico may admit it.

All of them have acted on such a claim before a recognition by the parent government as right; and our assumed power to resist oppression, and establish new forms of government, without the consent of our oppressors, is mere vapor, and the American system baseless, if that assent, express or implied, is necessary to make our acts as to the rest of mankind *de jure*. Popular governments are never inclined to such nice distinctions, especially when these are unfriendly to popular rights. But I admit that the recognition of a new government, or the second stage in the gentleman's growth to a *de jure* condition, does not require other nations to go further unless they please, and depart from a neutral position, or by any act not required by public duty become exposed to actual war; and that it has been customary with other nations, including ourselves, not to go any further. (4 State Papers, 846, 848.) But this grows out of the absence of any *motive* usually to go further, and out of the pendency of a belligerent State between

the old and new nation, in which we might become uselessly involved; and not from the fact that the new nation is not *de jure*, as well as *de facto*, a sovereign power as to all other nations, and, as such, competent *de jure* to do all which other belligerents may. Herein lies the error or fallacy of the reasoning on the other side. Martin's Law of Nations, p. 77, substantially confirms these views, by holding that if a government is established *de facto*, foreign powers have no right to say it is not one *de jure*.

A recognition of independence of another power, standing alone, obliges our courts to treat them so, and to give them and their citizens all rights of property, and jurisdiction, and sovereignty, as in any other case. It is *de jure*, as well as *de facto*, in the most critical and solemn forum of another nation. (1 Kent, 25.)

Yet some senators, after all, seem to think it but "*an armed insurrection*," or, as Russia denominated the independence of Mexico and South America, but "*criminal combinations*" of seditious subjects against their legitimate kings. But it is neither the American side of the question, nor that espoused by Mr. Webster himself.

"Mexico," says he, "may have chosen to consider, and may still choose to consider, Texas as having been, at all times, since 1835, and as still continuing, a rebellious province; but the world has been obliged to take a very different view of the matter.

"And, it must be added, that the constitution, public treaties, and the laws, oblige the President to regard Texas as an independent State, and its territory as no part of the territory of Mexico." (See Letter of July, 1842.)

Nor is this merely theoretical. On two occasions, we have practically recognized the power of the *de facto* governments on the west of us to be *de jure*, so as to make permanent compacts with us concerning the boundaries of their territory, long before they were acknowledged as sovereign by the parent country.

Thus, January 12, 1828, we completed with Mexico a treaty regulating the limit of the territory contiguous to us, without asking the consent of Spain, though she then made urgent claim to Mexico, though the latter had been independent but seven years, and though her separate sovereignty had not then been acknowledged by Spain, and was not till 1836.

So, again, in 1838, April 25, we made a similar treaty of limits with Texas, as to her territory, without consulting Mexico, and when her *de jure* rights were as much in question as now. Some have asked, if the right to cede was clear in 1837, as well as now, why the proposal then was not accepted? Simply, because the danger of war was then greater, and the hope of permanent independence was less.

The character and prospects of the war with Mexico in 1837 were very different from the condition of things now; and our exposure much greater then to be involved in difficulty of taking a cession so soon after one great invasion, and amidst the prospect of another, and

without any long abandonment, as now, of a regular war on Texas for many years.

The government of Texas was then, also, less settled, less firm, less likely to be permanent, less ripened, less recognized by all Christendom; and her claims less on the sympathies and interference of other friendly powers, by alliances or cessions, to put an end to barbarous maraudings, as well as oppression; and the authority of Mexico was less to enforce any pretensions over a territory so much longer independent, acknowledged by others, matured in her institutions, and, by the lapse of time, emancipated from her vain efforts at control. The statute of limitations bars most debts and claims in five or six years; and much more than that has elapsed here.

The whole real difficulty resolves itself into one, not of a right now to sell or cede on the one part, and we to buy on the other, but one as to the just and probable consequences of the transaction, considering the relations actually existing between Mexico and Texas, whether belligerent or not; and, if belligerent, whether justly so or not. It follows, then, that, if an independent sovereignty, Texas can cede rightfully her whole territory, as well as a part, and unite her government, as well as territory, with us, if she pleases. Such acts are done constantly in Europe and here, both in republican confederacies and monarchies, as before shown; and Vattel, as cited by the senator from Illinois (Mr. BREESE), recognizes the principle fully.

Having discussed the right to receive and the right to cede Texas, the next question is, whether, as a duty, the treaty for the annexation ought not to be ratified. Are the reasons for it not ample, and our duty clear? The presumption certainly would be that, unless strong public objections exist, no nation would decline the offer of a large addition to its territory, population, and power. More especially does such a presumption arise, when the territory is contiguous and convenient, if not necessary; has been long sought for, under three or four different administrations; is governed by institutions and laws similar to our own, and inhabited by a people most of whom have a like origin, education and religion, with ourselves; and concentrate their affections and wishes on a reünion with the great national family from which they sprang.

I am not one of those disposed to exaggerate the advantages of such a union to us; nor would I, on the contrary, scoff at the objections which are entertained — and honestly, without doubt — by many against it. But, in weighing the latter, I trust that we may be able to free ourselves from some prejudices and apprehensions, suited to other forms of government, rather than a representative confederacy; and be a little less local in policy and timid in action than if we were, as once, but three millions of people, and had confined our explorations to Lake Champlain and Cape Cod, rather than stretching west on our own soil to the Rocky Mountains and the Pacific Ocean.

Not forgetting the enlarged duties, as well as interests, that have

devolved on us by our new position, let us examine, dispassionately, both the reasons for and the objections against the annexation proposed, as a moral and political duty. For, though the right to take and to make the cession may on both sides be clear, our duty may not require an assent to the ratification; and I am frank to say, that if I regarded the treaty as a mere pecuniary speculation, like the calculations of the senator from Rhode Island (Mr. SIMMONS), my hopes would not be great for profit or credit; or, if I looked at some of the reasons assigned for the measure in the correspondence, or the prudence of some of the agents employed, or the patriotism of some taking deep interest in the question. But these, and many formal exceptions, seem scarcely suitable to the magnitude of the subject, and the high duties and national honor and interests which are at issue. One of the most prominent of these interests is the importance of Texas to the United States for security to the commerce of the west and south-west, through the mouth of the Mississippi river. The freedom of that commerce was a topic which, as long ago as under the old Confederation, agitated the whole country. It then introduced the first geographical division of parties between the south and the north; in which the latter, unfortunately, was quite as strenuous in resisting efforts and sacrifices to obtain that freedom, as it is now in resisting those to secure it, after having been obtained.

A few circumstances in the agitation of that age indicate strongly prejudices and contests not very unlike the present one.

Mr. Gorham, of Massachusetts, "avowed his opinion that the shutting the Mississippi would be advantageous to the Atlantic States, and wished to see it shut." (Madison Papers, p. 609.)

But Virginia extended over Kentucky, and claimed all the north-west; while North Carolina also crossed the Alleghanies into Tennessee. Hence the south, at that early day, became the champions of western interests, no less than southern ones.

And though Mr. Aymer, apparently concurring with Mr. Gorham, "thought the encouragement of the western country was suicide on the part of the old States" (3 Madison Papers, p. 1446), and though the vote of seven States was at first procured to proceed in the negotiations with Spain, without insisting on the free navigation of the Mississippi, yet Mr. Jefferson wrote that the navigation of the Mississippi we must have. (1 Jefferson's Life, p. 433.) And Mr. Jay at last admitted our right to it was good. (4 Secret Journal, p. 451.) And the old Congress, before breaking up, in September, 1788, solemnly

"*Resolved*, That the free navigation of the river Mississippi is a clear and essential right of the United States, and that the same ought to be considered and supported as such." (4 Secret Journal, 453, September 16, 1778.)

In the convention, while forming the constitution, Governeur Morris frankly stated that "*the fisheries*," and the "*Mississippi*,"— security

to them,—"were the two great objects of the Union." (3 Madison Papers, 1523.)

The whole question, as a national one, was then settled. That was the embryo of the present crisis. The duty to secure became as imperative as had been the duty to obtain. A million and a half of square miles of territory, and what are now nine millions of people, on the waters of the Mississippi and her tributaries, were foreseen, and were to be shielded in peace as in war; and tranquillity to their institutions, no less than safety to their property of every kind, were in advance solemnly guaranteed, and were never to be neglected. On this implied pledge your public lands have been sold there and settled.

It is not necessary, at this part of our inquiry, to detail all the steps since taken, under the constitution, to carry out faithfully one of those great objects of the Union connected with the Mississippi. Spain resisted and intrigued against all this. She was one of the last to accede to our independence, and to make any treaty of limits on the south as to the Florida line, from fear of our revolt proving an example contagious to her American colonies. It is said, by one of our most learned historians, that a document exists in which she was advised by her prime minister then to allow the whole of them to become independent, except her West India Islands; and if that advice had been followed, which subsequent events, with the loss of millions of life and treasure, show to have been so wise, our present difficulties as to Texas would probably never have arisen. She pursued the opposite policy, and, after the peace of 1783, sought to push her claims even on the Mississippi, as high up as the Ohio river, and as far east as the Alleghanies. And, after driving her from these pretensions, and then from Florida and Louisiana, her descendants hold on upon Texas with a death-gripe; and long after their ability to subdue it, or its value to them can make it an object in itself at all desirable. Both freedom and security to the navigation of that mighty river were once placed wholly within our grasp, by the purchase of Louisiana.

I say this under the impression that the western boundary of Louisiana, on the Gulf of Mexico, truly extended to the Rio del Norte, as heretofore shown. Any border enemy was then flung off to a safe distance from the great outlet of near half the exports of the whole Union. New Orleans, the magnificent dépot of the entire valley of the Mississippi, was then shielded from hostile surprise. Our trade with the West Indies and Europe, left more open and unannoyed, and the vast population on the western waters, now nine, and, ere a century more, to be ninety millions of people,—treble the numbers of either France or England, and more than treble their size in territory, —was thus to be better protected, not only in their commerce, but in their lives and honor, from both the hostile tread and hostile machinations of an encroaching enemy. The security thus gained from the Indian scalping-knife was an additional motive, and every

cradle in the west witnessed a sounder sleep when the tomahawk could be removed further off, and forts and greater distances were interposed between the log-cabin and the savage torch.

I say that all this was accomplished with the boundary then obtained, and was in some degree lost without it, having, as we had, a foreign foe and foreign Indians so near us as the Sabine and the Red rivers. The great American captain of our age, with hundreds of others, have staked their skill and reputation on this; and hence that boundary, if once owned by us, should never have been parted with in 1819; or should be regained the first favorable and just opportunity, as has been since constantly attempted again and again, and as is now amicably within our power, by ratifying the treaty under consideration. We have already seen that it is no new idea that freedom of commerce is of little value without its security.

It is no new project that a line further west than the Sabine is vital to its security, as well as important for protection in war, both against civilized and savage foes.

It is no new vagary, that when our fathers, in 1786, finally resolved on their right to the free navigation of the Mississippi, they also, in the same act, and by the same dauntless spirit, meant to enforce that right till successful, and to defend it, also, when once acknowledged, as they afterwards did in many an Indian war, as well as on the bloody fields of New Orleans. It is no new principle of national law, that it then became the duty of the whole Union to look over the luxuriant regions west of the Alleghanies with the same affection and aid, and lavish on them a like deference and regard, as on other parts of the Union; and that only half our obligations would be discharged in procuring a free navigation of the western waters, if not following it up with procuring security to that navigation and the immense interests connected with it. Such men as Messrs. Gorham and Clymer had, or ought to have, outgrown their more narrow views and sectional prejudices. The west and the south-west were, by the tide of emigration, becoming bone of our bone and flesh of our flesh. In taking honest pains to give them protection as well as prosperity, the position of things has so changed, that the north and east, and Middle States, are in truth giving them to their own families, or the playmates of their youth. Even if selfishness prompted a different course in 1785, it will, if enlightened, concur in the course recommended in 1844. Let me particularize a single illustration of this, among thousands of like cases scattered over the east, and, indeed, the whole Atlantic States.

On one of the hill-tops in the interior of New Hampshire, only two generations ago, dwelt a true, enterprising, industrious New England family. Are they still confined to their native mountains, and their interests and affections centred only there? On the contrary, sir, some of them are felling the forests in the mighty west; others plant in the sunny south: one is pushing his fortunes in the Empire State;

another in Michigan; another in Mississippi; another on the rich soil of Alabama: and thus their homes and their fortunes, their anxieties and their patriotism, are limited only by their country's extent and welfare. The next generation will probably see some of their descendants in Oregon or Texas, and breathing the balmy air of the Columbia or Rio del Norte.

Such, sir, is the destiny of most of the people of this leading republic of the New World, presenting a form of government as novel and striking as was the continent itself when discovered by Columbus, and developing a mission on earth, by this branch of the Anglo-Saxon race, which, while the school-house and village church, side by side, mark their progress, will never be completed till they reach the Pacific. The mass of them are not, as they wander, either fanatics or bigots, but conform to all local institutions like peaceable citizens, till reason and experience are able to work salutary changes.

How much more is it our duty to receive these persons into the Union, when an opportunity offers, than the French of Louisiana, or the Spaniards of Florida! However worthy, in many respects, the character of the latter, yet all must see that the moral fitness, the education, habits, and religion, of most of our kin in Texas, render them more suitable for an intimate alliance with us; and that their republican form of government makes the Union more appropriate than what we have already overcome in receiving those in Louisiana and Florida, educated under monarchies. Another important consequence of the purchase of Louisiana was to give greater quiet to the commerce and people on all the tributaries of the Mississippi, as well as on its own great channel. But, parting with Texas, we lost in the same treaty the sources of the Arkansas and Red rivers, as well as large tracts of land adjoining; and, unless re-annexed, a door is opened for constant annoyances and collisions between us and those higher up on the stream, and one cardinal benefit of the original purchase is entirely relinquished.

The treaty presents at the same moment a fortunate occasion to do that, as well as enforce better the guaranties of the constitution; to promote "*domestic tranquillity*" in the south and south-west, no less than the west and east. The property and domestic institutions of the former, however different from those at the north, were secured as amply under the old Confederation as those of any other region. So are they by the present constitution; so are they by all our legislative and judicial decisions; and so must they continue to be, till the compromises of the constitution are wantonly violated, or the Union dissolved. Hence the losses or capture of their property in slaves have often been indemnified; their escape into other States has been redressed by a surrender of them; and the *domestic tranquillity* designed for all the States, as set out in the preamble of the constitution as one paramount object for its adoption, has again and again been

sought to be secured, in times of excitement and peril, precisely as they are likely to be by the ratification of this treaty.

In 1811, the executive was empowered by Congress, after careful deliberation in secret, to take possession of Florida by force, with a view to preserve more undisturbed the domestic relations and quiet of the south. So, in 1810, Mr. Madison, of his own motion, took possession of the country east of Lake Pontchartrain to the river Perdido; for this, among other objects, that need not be repeated. Though his course was then denounced as war by his opponents, yet Congress, by an act in 1812, ratified it, and annexed that tract to the State of Louisiana; and did this without asking the consent of Spain, or of the people of the United States, or of the inhabitants of the soil, and while many of them were in a state of actual revolt.

Again: in 1820, for the same, among other objects, when the treaty for the cession of the Floridas remained wrongfully unratified by Spain, Mr. Monroe recommended to Congress the immediate occupation of that country by virtue of legislation; and this was prevented only by the subsequent ratification and peaceful delivery of it, without rendering an actual resort to violence, on our part, necessary, after it had been proposed.

In short, the south stood shoulder to shoulder with us in the Revolution, with this property and these institutions. They came into the Union with them on equal terms; they have so remained for half a century, and so must they continue, till injustice or fanaticism or treason violate all the sacred compromises of all we hold dear.

The ratification of this treaty is also vastly important to our whole people in an industrial point of view. It gives to us enough additional territory for four or five large States, immediately contiguous; and some of them, by their location on the ocean, with fine bays and immense rivers, virtually Atlantic States in their habits and intercourse; an increase of near a third of a million in our population, and a near and rich outlet for the overflowings of the other States, swelling, as they must in the next fifty years, to more than most of the kingdoms of Europe in their mighty masses. The annexation of Texas, in its influence on all the great branches of industry, is not merely a western or southern question, but one deeply interesting to every quarter of our common country,—whether it promotes that industry by opening to agriculture more fertile soils and genial climates, or by forming a wider home market for manufactures, or by furnishing new articles of commerce, and new bays and rivers for the free navigation of western steamers, as well as coasting and freighting vessels from the east. Our independence of other countries, by more lands, more fitted to sugar, fine cotton, and rice, and even coffee, would thus be greatly promoted.

On this and other kindred topics I shall not, on this occasion, enlarge; believing that a very strong case of duty to take the cession

is made out, unless it be counterbalanced by some of the objections which have been urged in this debate.

I proceed at once to examine, in some detail, the most prominent of these objections.

The annexation is opposed by some, on the ground that it will make our territory too large; but experience has evinced that a representative republic can, with convenience and efficiency, extend over limits far wider than from the St. Croix to the Rio del Norte. Indeed, by the aid of railroads and steam, the Union, with Texas included, will be far more accessible, in all its parts, either for business or government, than it was at the Revolution, with only thirteen States, and those all situated on the narrow belt of the eastern declivity of the Alleghanies. And this objection, if tenable, should have been urged, and prevailed, before we purchased either Louisiana or the Floridas.

How groundless, in connection with this, is the objection by some senators (Messrs. MILLER and CHOATE), that duty does not require assent to the cession, because it is the lust for "territorial aggrandizement" which now prompts us; when the whole we seek was not only obtained two generations ago, but was justified then by such men as Jefferson, Madison, and Monroe, and advocated since, and attempted to be regained, by such men as Adams, Clay, and Jackson! Or because, as imputed by the senator from New Jersey, we wish to seize Texas now as "spoils of victory," "*as a conquest by treaty;*" when, in truth, she comes into an equal union of rights and privileges, from friendship and mutual interest,— from choice,— and suited for it by education and principles, and gaining quite as much by it as we, or as Rhode Island gained by uniting with us after 1789, or as Scotland gained by her union with England near the commencement of the last century!

To repeat again some of my remarks on a former occasion:

"The annexation has been opposed as not a duty, because inclining the balance of political power in our system too much in favor of the west and south. But the same course of reasoning would strip us of all our great domain on the Pacific Ocean, — a country never to be surrendered while an American whaler visits its waters, or an American emigrant chooses to fish, hunt, or plant, on the banks of the Columbia. It would also, from like apprehensions as to the balance of power in the north, prevent any future peaceable annexation of the Canadas, so ardently contemplated by our fathers from the commencement of the Revolution; and it would heretofore have defeated the purchase of the Floridas by Mr. Monroe, and of Louisiana, including Texas, by Mr. Jefferson; and would not only cast censure on them and their venerable coadjutors, for thus deranging the balance of power then, but would add reproach on Messrs. Adams and Clay, for attempting to regain Texas in 1825 and 1827, and on General Jackson and Mr. Van Buren, for a like attempt in 1829; and, what is still worse, by this course of reasoning, for seeking, as was done in 1835, by General Jackson and Mr. Forsyth, to obtain a vast tract of additional country still further south and west, from the forty-second degree of latitude to the thirty-seventh, and stretching towards the setting sun, over that degree, across the entire continent. But, in truth, the durable interests of the whole Union are believed to have been looked to on those occasions, as now; and the theoretical balance of power, if adverted to at all, can never endanger the practical workings of our system, which will always produce greatest harmony when least influenced by any sectional jealousies or local

prejudices; and which will always be most attractive, strongest, and most flourishing, where freest, unless liberty and progress are mere phantoms of the imagination."

More than all this, Texas, if added to the Union, may well be regarded, for ages, if not forever, quite as much northern as western and southern, in many of her principles and tastes. Her position on the ocean, her numerous and large rivers near, her culture of sugar and rice, as well as cotton, her easy intercourse with the West Indies and the north, make her an Atlantic State for most purposes, and will connect her people, in their intercourse and commerce, and views of political economy, very closely with the Atlantic portion of the Union; and perhaps more intimately with the northern parts of it than many now imagine.

"It is opposed by others on account of the badness of some of the reasons assigned for it; as if a good measure ought to be rejected because any one may please to urge some weak reasons for it. By others, because a few of its advocates are suspected of being interested in the question; as if that could impair the usefulness of the annexation itself, or was not always an incident to almost every question of great magnitude. And by others still, because the auspices under which the measure is now proposed are disliked; as if the necessity or value of a gift or purchase depended upon the character of the agents employed.

"It is resisted by many for the reason that slavery exists in Texas. That is an institution, to be sure, which most people born at the north are, like myself, averse to. But those who respect the constitution and the Union remember that it is an institution which our parent country, before the Revolution, forced upon both the north and the south; which, after being more deeply interwoven through the social and political systems of the latter, the rest of the States did not hesitate to confederate with her in fighting the battles of independence; nor to counsel with her heroes, patriots, and statesmen, in forming the present constitution; nor to associate with them in carrying out its great destinies; nor in guaranteeing their property and rights in common with the rest, then and during the half-century since, in peace and war, and in weal or woe.

"However deprecated by many of us, we know that none can legally abolish the institution but those who possess it; and that while this has already been done, since the Revolution, by nearly half of the old States, it may continue to be done by Texas herself, as well as others, sooner or later, when their sense of duty and safety may permit it, if left tranquilly to the exercise of their own rights. What effect the annexation of Texas will really have on this measure seems to be doubted by some of its opponents, among whom the most distinguished thinks it will add more free than slave States. But, however that may be, the friends of annexation believe that, while a rejection of it must leave the institution of slavery just as it is, without mitigation, the acceptance of it cannot add to the whole number of slaves now in Texas and the United States together; and, if dispersing that number over a wider space, will gradually tend to make their freedom less expensive and more easy in any one State; or, if concentrating them further south than now, will render voluntary emancipation more northwardly still speedier and safer. Whether such considerations have preponderated before, in overcoming this objection, with many of our most eminent friends of liberty and philanthropy, I know not; but certain it is that it did not prevent Mr. Jefferson and his northern democratic friends from purchasing Louisiana, including Texas herself, in 1803; nor Florida from being bought by Messrs, Monroe and Adams, in 1819; nor Texas again from being negotiated for by Messrs, Adams and Clay, in 1825 and 1827; and by General Jackson and Mr. Van Buren, in the summer of 1829; the decree of Mexico for abolishing slavery in her possessions not being issued till September 15, 1829." (See 4 Blunt's Annual Register, p. 147.)

It did not prevent us from keeping Texas, with all her slavery, for

sixteen years, and then exchanging her for another slave territory. Is it not safer to act with such men on a great national question? men of all parties, coincident on this single measure, notwithstanding the objection as to slavery? Much safer than to indulge rashly in a disregard of every precedent and principle adopted in respect to it during half a century.

International interferences, or encouragements, to destroy the domestic or political institutions of each other, are alike mischievous, whether attempted by us against her church-and-state system and monarchical government, or by England, or the world's convention in sight of her Parliament, against any of our institutions. Without going into details on this unpleasant topic, these officious complaints about us tend to plunge the world into a state of constant warfare, rather than promote durable peace and civilization.

Even the despot Santa Anna talks of keeping up hostilities against Texas in order to put down domestic slavery there; and Ali Pacha, *in Egypt*, while amidst all his tyrannies he has the address towards England to profess the emancipation of his slaves, renews yearly a frontier *slave-hunt*, to recruit his armies, navies, and household.

What is this objection, when made among ourselves so pertinaciously, but a violation of Washington's farewell injunction against encouraging sectional prejudices and sectional divisions; and of Jefferson's deprecations, in the Missouri controversy, against the drawing of "a geographical line, coinciding with a marked principle, moral and political;" and which, if countenanced, would, in his opinion, constantly sink deeper and deeper, and never be obliterated, except by disastrous results, which he did not wish to live long enough to witness? (4 Jefferson's Life, 324 p.)

Declaring, as we have so often, that Cuba shall never be allowed to go into the possession of another power, I should like to know what is to be done with slavery there, if the island is ever occupied by us. And if becoming a territory or a State, on what principle is it to be so, except that applied to Louisiana, Florida, and therefore to Texas? Are we to have whites under our dominion not free, nor ever to be admitted into the Union on equal principles?

I will only add, in order to avoid misapprehension, that so far from feeling opposed to the termination of slavery by all legal, safe, and constitutional means, none could rejoice more heartily than myself to see it thus ended, the world over; and among the whites, as well as blacks; — among the disfranchised, the serfs and paupers, of Europe, and even the dark Hindoos, as well as the sable sons of Africa; — not confining my sympathies to color or name, but to real degradation among the whole human race, and to their relief by introducing gradually a superior state of intelligence, religion, and rights, rather than by a rash crusade against law and order, and the public peace.

Others still object to the form of the cession, holding it to be insufficient, unless made by an act of Congress, and hence it is not our

duty to take the cession by this treaty. Various technicalities as to the power of treaties have been urged against the present proceeding, such as the want of existing parties till the act is completed, and the absence of legislative as well as executive sanction to the union of the two countries. But the people of Texas still continue a separate independent government, competent to contract and hold their rights, not only till the treaty is ratified by our government and their own, but till an act of Congress, there and here, passes to enforce many provisions, which, in their nature, as in many other treaties, are imperfect and inoperative till that takes place. And if the sanction of their people to a union like this, given at the same time their constitution was adopted, by an almost unanimous vote, was supposed to be obsolete, I should think it prudent to take their opinion again before the proceedings are deemed complete. Then, and not till all this is concluded, an actual delivery of possession takes place, and is necessary to the validity of the cession. (1 Kent's Com., 177.) Nor even after that is Texas extinguished, as some have argued; she is still in political being, as a territory of the Union, and with full claims to enforce her rights, in due time, and on equal terms, to become a State.

An act of legislation in the form of a compact is no stronger than a law of Congress carrying the treaty into effect by establishing a territorial government, and making the proper appropriations and provisions. If these are done, then our people have assented through their proper and accustomed agents for such purposes; and Congress has assented, as well as Texas, both its government and people. We shall stand towards each other in all these respects, and shall continue to, as we and our new separate States and territories do. The matter has thus duly commenced with a treaty. We take by it one step. A treaty, too, is the usual instrument for making agreements with foreign powers. It is defined to be "a compact of accommodation relating to public affairs." And if enforced by an act of Congress carrying its provisions into effect, it will have all the form and substance, in its course to completion, which any legislative compact of union between countries before in domestic relations could possess in England or here.

Some confusion has arisen on this point, I apprehend, from not adverting to the circumstance that, in this case, the ceded territory and its government are foreign, and not like those using legislation alone, already in some degree connected as domestic members of the same sovereign, like Scotland and Ireland. And so far from Texas being thus conquered, or annihilated, or degraded, or defrauded, she is elevated to our own platform; her privileges gained are quite equal to ours; her star is placed in our galaxy, rather than extinguished; and the union is alike honorable and advantageous to all concerned.

Another new objection has been pressed, that the cession contains too much land; and is thus not a duty, but a wrong, and exposes us to

unavoidable collisions with other powers. But, unfortunately for this ground, the cession does not describe any particular quantity of land, or extend the limits of Texas to any specified boundaries whatever. It merely, in speaking of its extent, says, "all its territories." We can hold, then, or claim, only "all its territories,"—its true and rightful boundaries, be they more or less. So was it with the purchase of Louisiana, without any other limitations; and Bonaparte declined to make any specific ones, when asked (See Marbois' History of Louisiana), but for a reason directly the reverse to that which existed here, "the boundary being left without specification" here in order to avoid difficulty. (See the Texian documents.)

The better opinion certainly is, that the old Texas run west to the mouth of the Rio Del Norte, on the gulf; though Mr. Jefferson, as a compromise, was willing to stop at the Nueces or Colorado, and even the Guadaloupe; and General Jackson, in 1829, proposed to buy only to the centre of the desert between the Nueces and the Rio Del Norte; but in 1835 he wished to go quite to the latter, as did Messrs. Adams and Clay, in 1825 and 1827. (Doc. House of Reps., Sept. 1837, on Texas, 2 Foote's History, 393.)

Most people considered the line to run north on that river only to the mountains, though the legislature of Texas, by a law, have claimed to run to its source. But Texas, by a mere law, could acquire no title beyond what she conquered from Mexico, and actually governed. Hence, though her law includes more than the ancient Texas, she could hold and convey only that; or, at the uttermost, only what she exercised clear jurisdiction over. As to that, there is and can be no eventual contest; and the deed of cession, like one by an individual at common law, would practically pass no more than was owned; and under it the grantee would get no more if he could, and could not if he would.*

* The law of Texas, including in her claim more than she actually occupied, doubtless originated very innocently, in the following section of the compact by Santa Anna with President Burnet, in 1836, agreeing solemnly that Texas should extend not only to the mouth of the Rio Del Norte, but thence to its source:

"Fifth. That the following be and the same are hereby established and made the lines of demarcation between the two republics of Mexico and of Texas, to wit: The line shall commence at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank up the said river to the point where the river assumes the name of the Rio Bravo Del Norte, from which point it shall proceed on the said western bank to the head waters or source of said river, — it being understood that the terms Rio Grande and Rio Bravo Del Norte apply to and designate one and the same stream. From the source of said river, — the principal head branch being taken to ascertain that source, — a due north line shall be run until it shall intersect the boundary line established and described in the treaty negotiated by and between the government of Spain and the government of the United States, of the north; which line was subsequently transferred to and adopted in the treaty of limits made between the government of Mexico and that of the United States; and from this point of intersection the line shall be the same as was made and established in and by the several treaties above-mentioned, to continue to the mouth or outlet of the Sabine river, and from thence to the Gulf of Mexico." (See 2 Foote's His., 314, compact between Texas and Santa Anna, in 1836.)

Another reason assigned why it is not our duty to accept this cession is, that the Senate, by ratifying the treaty, do, in conjunction with the President, declare war; when, by the constitution, it cannot be declared without the consent of the whole of Congress. This entirely falls to the ground, if my views are right, that all treaties like this are inoperative till a law of Congress passes to carry them into effect. For then, before its validity is perfected so as to produce war, the whole of Congress assents. Even in England, an act of Parliament is necessary to give effect to some treaties, as was held here in Jay's treaty in 1796, and in other treaties after the late war, as well as in the treaties for purchasing Louisiana and the Floridas. Whenever money is to be paid, or officers appointed, and a territorial government organized, an act of Congress is indispensable to complete its operations. Hence, without going into the question, how wide a range of discretion exists in passing or not passing such an act, war is not declared or waged till Congress chooses to do it by a subsequent act. If, before that, it is commenced against us wrongfully, as it may be on this or any other occasion, Congress still retains the power to repel it or negotiate. On the very theory upon the other side, the act of the President and Senate alone, so far as regards war, is beyond its authority, and nugatory by the constitution. How, then, can the President and Senate alone make or wage a war? and how ill-grounded are the fears that, by ratifying the treaty, the Senate compromises the country in hostilities!

The Senate and President can form a treaty of alliance; but the country cannot, and will not, thereby be plunged into a war, unless Congress assent. So, on the other hand, they form a treaty of neutrality or of peace; and yet the country will not and cannot be retained in a state of peace, if Congress pleases to declare war. (See 4 Jefferson's Life, page 498.)

At the utmost, in this case, the President and the Senate cannot adopt anything which does not exist; and, therefore, as only a liability exists to war, they can adopt but a liability, and not war itself; and that liability is neither just in itself nor countenanced by the rest of the world. The utmost which the ratification accomplishes, even were the treaty operative without an act of Congress, is to adapt or expose ourselves to the state of things which exists now between Mexico and Texas.

We will soon endeavor to show that this state is now but CONSTRUCTIVE war; that its actual renewal would be unjust; that the conduct-

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And some articles in the newspapers, very ably written, in 1829, had also insisted that the country ceded and lost by us in 1819 contained 225,000,000 of acres. Whereas the whole land claimed by Texas, rightfully or wrongfully, and in actual possession or not, and whether too much or too little, is only 203,320,000 acres, according to the official map before us; and that number of acres claimed in 1829 cannot be obtained without going to the utmost limit of the boundaries since laid down on this map, on the south and north and east, as well as west.

ing of it, if as formerly, is contrary to the law of nations; and hence, so far from assuming what is either dangerous or just, we shall perform a national duty to interfere in this matter by negotiation, and hazard something, if necessary, to prevent a recurrence of more such bloodshed, as well as restore tranquillity and durable peace to this quarter of the globe.

Some have magnified the danger of war, and even proclaimed it as war itself, that the President has ordered a portion of our army and navy to the points which will be most exposed, in case Mexico commences threatened hostilities against us, or the renewal of old ones against Texas.

But these movements are all with a view to the preservation of peace, rather than the waging of war. They are precautionary and prudent, rather than belligerent. The officers are in all cases expressly forbidden to engage in hostilities, but required merely to watch and report facts. The same was done in 1829, by Gen. Jackson. (See 2 Kennedy, 242, 265, and 276.) And in 1837, by Mr. Van Buren; and at the east on the disputed territory, as well as in Texas *beyond the* Sabine. The chief difference is, that in this case more forbearance and caution appear, and not a single line of boundary is allowed to be crossed, nor a gun fired, without authority of Congress, nor a single dollar of new expense incurred. (See the official document.) In 1810 we had the first edition of this cry of war, for marching troops. That was a much stronger case; for Mr. Madison then marched troops into a disputed territory, and used force to get possession of it. He was met with the same complaint of war and assumption of the powers of the two Houses.

Mr. Horsey, one of the ablest federalists, exclaimed:

"Sir, what is the nature and import of this proclamation? In my humble conception, both legislative and war. *War*, because it directs the occupation of this territory by a military force. The regular troops of the United States are ordered to march, and aid the militia, if necessary.

"*Legislative*, by annexing it to Orleans territory." (See Nat. Int., 1st January, 1810.)

But no impeachment was ever presumed on, for that or other supposed misbehavior, except that James Madison, the great expounder and practitioner under the constitution in our most trying times, was, by Cyrus King, denounced as, in his estimation, deserving a halter, and by Josiah Quincy, who, I believe, obtained one vote, *solitary and alone*, in favor of his impeachment.

The use of the army and navy by the executive, in time of peace, may often expose the country to war; but it is not, and cannot be, a declaration of war on our part, as that can only be made by Congress. True, in 1831, the administration sent a part of the navy around the globe, and attacked and burnt a town at the antipodes. But it was not a declaration of war; on the contrary, it was provident protection in peace of our citizens and their commerce. And though it might

have been deemed by others a cause of war on us, and a matter of impeachment here, as was threatened, yet it was, in truth, none the less right and justifiable, both under our own constitution and the laws of nations. I advised it then, and gave the order; and would do it again, under like circumstances.

The next and the most alarming objection, with many, to its being our duty to take the cession of Texas, is, that we are thus assuming an actual war, or are in danger of becoming involved in actual hostilities. If this were the truth, it would then surely behoove us not to risk these without counting the cost, or finding, after careful examination, that our duty to take the cession was, under all the circumstances, paramount to all such dangers.

Though war be undoubtedly a great calamity, standing by itself, yet it is often much preferable to dishonor; is often expedient for self-preservation; and, at times, is demanded by the highest obligations of national honor and duty.

Let us, then, first see whether the danger to which we are exposed, by taking the cession, has heretofore been deemed sufficient to prevent our taking it. In 1825, Spain and Mexico were at war, and the former in actual possession of the most important fortress of the country; and in 1829, poured her troops into Mexico *in flagrante bello*. And that state of things was even urged by our government as an additional inducement to Mexico alone to cede Texas, rather than regarding it, as would seem now, an insuperable obstacle to a proper cession without the consent of both belligerents, or without our becoming involved in hostilities which it may not be our duty to risk.

Some seem to doubt the existence of as much war then as now, and would thus break the great and acknowledged force of these two cases, as precedents directly in point.

But how are the recorded facts?

Beside many statements in the public press, cited by the senator from Mississippi, showing the actual war then, there are many other proofs.

Mr. Clay, May 10th, 1825, while negotiating, exhorted Russia to make Spain acknowledge the independence of her colonies, and restore *peace*, instead of the war then known to be raging. He threatened that otherwise the provinces should send privateers on the coast of Spain, and capture Cuba, "towards terminating the *existing contest* between Spain and her colonies." (Blount, 83 p.) He urged the emperor to lend his aid towards the "*conclusion of the war* between Spain and her colonies." (Letter to Middleton, 89 p., Aug. 27, 1825.) The castle of Ulloa—*the key of Mexico*—was then in possession of Spain; and yet no forbearance or objections were then entertained on account of the claims, interests, or complaints, of Spain.

Further than this: how stood the case in 1829? Then, our Secretary speaks of the particularly threatening attitude of Spain, and the "policy to part with a portion to obtain means to defend the residue."

(P. 15, House Doc., No. 40, Sept. 1837.) The President not only admitted the existence of actual war with Spain in September, 1829 (Niles' Register, 71), but our government, beside the above argument, founded on the existence of hostilities, despatched a naval force to the coast of Mexico to protect our commerce during the war. And the Mexican Secretary of State subsequently, in a public enunciation, made it a topic of complaint against the United States, that our administration, under the distractions and perils of their conflict with Spain, —or, to use his own words, while engaged "in repelling the Spanish invasion,—had pushed for a cession of Mexico, under the hope that Mexico would then part with Texas more readily." (See the document in Adams' speech, in National Intelligencer of 19th July, 1838.) Yet no apprehension of being involved in a war then obstructed our negotiations, and was deemed sufficient to obviate our duty to obtain the cession. Nor was any apprehension then felt that our duty was violated by taking the cession from Mexico during an actual war with Spain, and eight to ten years before the latter made any recognition of the independence of the former. Nothing was communicated to Spain asking her consent; no offer was made to her of compensation; nothing deprecated as to her hostility.

And who ever then heard, as now, that a purchase from Mexico would be perfidious towards unoffending Spain? a breach of the solemnity of our treaties with her? or an exposure of ourselves to the condemnation of the civilized world, as grasping and ambitious?

But, aside from these precedents, showing the sense of duty which urged onward to this acquisition both Messrs. Adams and Clay, as well as Jackson and Van Buren, notwithstanding the actual war then raging, it may be well to ascertain whether any actual war exists now, as well as whether one has of late been waged, in a manner to justify its long continuance, either against Texas or any power that may become allied to her. All the categorical assertions that an actual war has been carried on by Mexico for eight years past, and with great vigor and success (Mr. CHOATE), and in a humane form beyond even that pursued usually by either England or France, are disproved, not only by the ministers of Texas, entitled by their stations to full credence, but by Mr. Webster himself, in his grave official character as Secretary of State.

Let us read what he, as well as they, state on the point of an actual war during that eight years:

"From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas had exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government; practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any further attempt to reëstablish her own authority over that territory." (Webster, July 1, 1842, to Thompson.)

Yet, in the face of this, the Senator from Massachusetts (Mr.

CHOATE) speaks of the "tremendous vigor with which Mexico had carried on the war;" and "her effective success;" and her "armed occupation" of Texas.

Again, Mr. Webster says, after the battle of San Jacinto, "*The war was from that time at an end.*"

In another letter (of April 5, 1842, Webster to Thompson, 4th Senate Document, No. 325, in 1842, p. 13), he says:

"No effort for the subjugation of Texas has been made by Mexico from the time of the battle of San Jacinto, on the 21st April, 1836, until the commencement of the present year; and during all this period Texas has maintained an independent government, carried on commerce, and made treaties with nations in both hemispheres, and kept aloof all attempts at invading her territory."

Again, Mr. Webster says to Mr. Thompson, 31st July, 1843:

"It is contemplated by this government to REMONSTRATE IN A MORE FORMAL MANNER with Mexico, at a period not far distant, unless she shall consent to make peace with Texas, or shall show the disposition *and ability to prosecute the war with respectable forces.*"

Finally, 22d June, 1842, Mr. Webster to Thompson, says: "Nothing is more probable than that the *renewal* of the war between Mexico and Texas would," &c.

He states "the President's clear and strong conviction that the war is not only *useless*, but *hopeless*, without *attainable* object; injurious to both parties, and likely to be, in its continuance, *annoying* and vexatious to other commercial nations."

This is quite enough from one Secretary, and he the senator's political friend, to show the impotent and irregular and censurable character of the hostilities as designed for any re-conquest. Similar were the views of his successor.

Mr. Upshur to Mr. Thompson, 27th July, 1843, says, also, that "the present hostilities are not regular, and hardly civilized; tend only to harass, and not subdue. Mexico should assert and maintain her supremacy, or generously abandon the claim."

"She has a right to re-conquer; but her right must be *enforced seasonably*, or be abandoned for the peace and commerce of the rest of the world."

The views of the Texian authorities correspond with this: "Never, since 1836, has Mexico attempted anything of the character of a general invasion of Texas, or conducted the war upon any plan calculated to test the superiority of the two nations upon the field of battle, and bring the war to a close by the arbitrament of arms." (Confidential document, 12th and 15th pp.)

How justly, then, can it be said:

"Scarce a hostile foot, even from Mexico, profaned her soil, from 1836, when Santa Anna publicly stipulated with her to end the war, to 1842."

This, if no more, was to be expected, after his pledges and compacts. The express engagement made by Santa Anna, May 18th, 1836, to put an end to the war, and obtain the recognition of her independence by Mexico, is at length in Niles' Register, 414 p., for Aug. 1836. (2 Kennedy, 233.) See his reasons for it, in his letter to Houston, and conversation here. (Niles' Register, 9th and 23d April, 1842.) The compliance with it since, so far as regards any regular war, or one in any degree competent or designed for a re-conquest, is the only apology he can have for not surrendering himself and his troops again to Texas, for a failure by Mexico to fulfil the rest of it. Honor and morality forbid his conduct in not returning, unless he intended virtually to end the war, in pursuance of his engagement.

The declarations made by him in this city confess all this. So those made after his reaching home, and when free from any suspicion of fear or duress, confirm the same aspect of the case. In a letter which he addressed to General Jackson, dated at Columbia, Texas, July, 4, 1836, he says:

"When I offered to treat with this government, I was *convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting the country, which I did not possess four months ago.* I have too much zeal for the interests of my country to wish for anything which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death, rather than consent to any compromise, if Mexico could thereby obtain the slightest benefit. *I am firmly convinced that it is proper to terminate this question by political negotiation.*"

During the eight years past, and especially within the last two, at times, there have been a paper war and marauding; and, to put an end to the irregular and occasional incursions that have sometimes happened during that period, an armistice has been proposed by Mexico, which, being exceptionable in its terms, is reported never to have been ratified by Texas. So that the question (whether it may be aided by an armistice which admits a temporary peace,— and, in the case between Holland and Spain, lasted twelve years, and was succeeded by a durable peace,— or may be embarrassed by it, as some suppose, by its implying the existence of a previous war) is probably free from this difficulty; and if Texas is taken by us now, we take with her neither an existing war nor probably any existing armistice.

The documents communicated to us lately show that the armistice, so much talked of, has never been ratified by the two governments; and it is evident that no regular war existed, to be suspended by an armistice.

The Texian ministers, speaking of the supposed armistice, say:

"The negotiations having thus terminated, and this agreement being held to be null and void, there is at present no subsisting arrangement of any character between Mexico and Texas."

Our own minister at Mexico entertains the same views:

"*Mexico, Feb.* 2, 1844.

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"I am informed that the negotiation with Texas for peace is not only broken off, but that the armistice has also been suspended. You will remember that, from the beginning of this matter, I expressed the opinion that nothing would come of it. It was only a device on the part of Santa Anna to relieve him from the difficulty in which he had involved himself by his threats and promises of re-conquering Texas, which he knows perfectly well is impossible. There may be other marauding forays, like that of General Well, retreating more rapidly than they advanced; but as to any regular and reasonably sufficient force invading the country, the thing is impossible, and will not be attempted. They cannot raise money to support such an army two months.

"My opinion is, notwithstanding all their vaporing and gasconade, that the most agreeable thing to Santa Anna would be an authoritative interposition of our government to put an end to the war, as he would then say that we were too strong for them to contend with."

An armistice, when made by governments, and not military men, as this was, acknowledges the separate national existence and rights of each, and thus virtually surrenders the point in controversy. Such was that with Holland and Spain.

To make any state of things a war for the purpose of re-conquest, it must be with a will and a force adequate to the object, or apparently so. It must be something beside proclamations, and the occasional murder of non-combatants, and piratical plundering; it must be a public *force*, and not, as Cowper says, words, or "*a duel in the form of a debate.*"

Grotius (book 1, chap. 1, p. 38) defines war, from Cicero, to be "a dispute by force." And though custom may call the state or disposition to use force a war, yet common sense seems to look to the *act* of force as alone real war.

But the entire cessation of hostilities from 1836 to 1842, and the occasional as well as contemptible incursions since, indicate the abandonment of any war of re-conquest, and are not that species of hostilities which, in their character, keep up a claim of right, or can be recognized, on any principles of national law, as precluding other nations to consider Texas, both *de jure* and *de facto*, a sovereign State. Much less are we likely, by a union with Texas, to be involved in actual hostilities, when none are waging,— when none could probably avail anything of good to Mexico, and when none have occurred at all adequate to re-conquest for near half a generation.

If, as the senator from Missouri correctly stated on the 1st instant, Mexico is utterly unable to conquer Texas (the opposite opinion from that expressed by the senator from Massachusetts),— if an invader would, by her own resources, be driven like chaff before the whirlwind, and a defeat of him be deemed a mere holiday,— pray inform me what kind of a petty, wretched, uncertain war, do we risk by uniting with Texas? and how little it should stand in the way of our high duty to take the cession? What kind of a contemptible war do we assume or risk, either in this way or by presenting any constitutional aid, if invaded while the ratification of the treaty is pending? Who believes

any such invasion will be attempted, now or hereafter, when so disastrous will be the consequences to Mexico, even by Texas alone?

The danger in the path of our action is not only uncertain, remote, and small, but it is of a mere constructive war, that has been prosecuted without just cause, and which both France and England, as well as ourselves, have informed her ought not to be prosecuted longer. England, since 1840, has been under obligations, by a treaty of mediation with Texas, to procure an abandonment of the claims of Mexico. Mr. Pakenham, April 19th, 1844, in confidential Doc. No. 8, says:

"It is a well-known fact that her (Great Britain's) most zealous exertions have been directed towards the completion of that independence, by obtaining its acknowledgment at the hands of the only power by which it was seriously disputed."

But why such zealous exertions for Texas, if she was not right? Again, Lord Aberdeen says:

"We (Great Britain) put ourselves forward in pressing the government of Mexico to acknowledge Texas as independent." (Letter 20th Dec., 1843, — ditto 40th page.)

Why press Mexico to abandon her cause, if it was correct?

If Mexico, then, will not abandon any thought of further hostilities, — if she will not listen to the advice of foreign powers to acknowledge Texian independence, — if she persists obstinately in disturbing the peace and commerce of the rest of the world in the Gulf of Mexico and its neighborhood, — if she chooses to rely on the *logic of kings*, the *ultima ratio regum*, rather than the judgment of the chief powers of the civilized world, — it will not be our fault, but hers, if any further hostilities ensue. The fortune of war must then be ours; and craven indeed would be our spirit to flinch from it.

But if we turn a moment to the history of the past, we shall find that nations generally have not made cessions in a time of war by the party in full possession a ground of war upon the purchaser; and much less have they been accustomed to do it after such intervals of hostility, such protracted feebleness in the contest, such numerous and high remonstrances against it from the rest of the world, as exist in the present case. I will select only three or four cases.

In 1685, after several years of revolution in Holland against Spain, and only five years after the declaration of independence by the former, Queen Elizabeth, by a treaty, loaned money and troops to aid her, and took a cession in mortgage of several towns and fortresses to indemnify her. This was sixty-three years before their independence was acknowledged by Spain; and it was five years after that before Spain chose to involve her in the general war, on this or any other account. (See 2 Davis' Hist. of Holland, 175 and 235.)

Again, in 1658, Dunkirk was conquered from Spain by France and England, and given to the latter. In 1662, October 17, it was ceded by Charles II. to Louis XIV., by treaty; and by the 8th article it was stipulated that, if the King of Spain, from whom it was taken "by

right of arms," should try to regain it in two years, England was to furnish "a considerable fleet" to defend it; but none after two years. (1 Col. of Treaties, p. 121.) And did the aid ever become necessary?

Again, in 1712, Denmark, in a war with Sweden, took the Duchy of Bremen and Verden from the latter, who had held it under a treaty since 1648, and sold and ceded it to the Elector of Hanover, who was then George I. of England, and who held it without Sweden ever presuming to make it a cause of war with Hanover or England. (2 vol. Puffendorf's Summary, p. 202, 246, 256–8.)

Lastly, and directly in point, Guatemala was acknowledged independent in 1824, under the name of "United Provinces of Central America." Chiapus, which had before belonged to Guatemala, chose to act independent of Guatemala, and, against her consent, at length offered to unite with Mexico, and was admitted, and remains there. This was in 1835. (See pp. 113 and 117, 2 Ken.) So, in private life, and by the common law, a party in possession of land can convey and deliver it properly, without imputations of fraud and conspiracy, as lavished here; and outstanding claims by third persons must be abandoned, or peacefully prosecuted against the new occupant and trespasser. In Martin, b. 1, c. 1, and b. 8, c. 5, the true doctrine is laid down, that a State is free and sovereign, if it governs itself, and acknowledges no superior but God. Then others may not only acknowledge such a State as sovereign and independent, but take grants of territory from it, and even aid it, if its cause be just, and it is in possession. The opposite party will usually complain; and, unless policy forbid, will at times seek to recover the land, or retaliate; but seldom, if ever, in protracted troubles like this. If Texas had injured us, and refused redress, since her independence was recognized in 1837, could we not rightfully have made war on her, and, if conquering, hold her territory, if possible, as against Mexico and the whole world? Surely. And this settles the whole question of the *de jure* right of cession or transfer; for conquest is only one mode of transfer, rightfully, by the law of nations. We have obtained indemnity from her by one treaty since 1836, and established even boundaries with her by another. But how this has been done with her rightfully, and not Mexico, if Mexico is the *de jure* government, it would be difficult to explain.

Regarding the territory of Texas as conquered by its people from Mexico, which some do, then their sovereignty to it is completed by the full assent of its population; and their cession is valid by a like assent of them, as well as their government. (2 Burlemaque, p. 309.)

In war, the title of all property seized on either side is considered to be in the actual possession; and, if afterwards sold to a third person, or third power, the title passes, and it passes beyond recovery, if of movables; and if of immovables, cannot be regained, unless by consent, or unless the original owner chooses to risk for it war (1 Burlemaque, 297), and succeeds in the war. (2 Wheaton, 289.)

Nor is it any breach of treaty with Mexico to take such a cession, in such a case. It is the right and usage of nations to do it. They must deal with Texas as a *de jure* as well as *de facto* government,—as of full age, and possessing in the family of nations equal rights and power with other nations. The doctrine *jus postliminii* does not apply, unless the original owner gets into possession (2 Wheaton, 112); and a "modification of the rule may be required in practical application" even then, if a civil revolution is mixed up. (Grotius, b. 3, ch. 6, sec. 4.) But there is no breach of treaty, there being no guaranty of territory in any of our treaties with Mexico, though once our ministers were instructed to make such a guaranty to Spain of her territories west of the Mississippi. Yet it is competent for Mexico to make the cession and union of Texas with us, until her claims are relinquished, a cause of hostilities towards us; though, under all the circumstances of the right of the contest being in Texas, as before explained, it is not a just cause. Where a revolt has occurred, and its independence been acknowledged, third powers may treat it, when in possession of separate sovereignty, as independent in all respects; and if former masters complain, it is without cause. So it is competent to aid such power while in "possession of independence," as we must if uniting with Texas; but if the secession be unjust, the old masters may complain, and resort to force, "as policy or anger may prompt," but not if secession be just. (Martin's Law of Nations, p. 80, b. 3, ch. 2, sec. 10.)

But though exposed in such case to some belligerent hazards, they are usually encountered when duty prompts; and much more readily if the hazards, as here, are remote, doubtful,—founded, as here, in injustice on the part of the ancient claimant, and prosecuted in a barbarous and unjustifiable manner.

Let me not be misunderstood. In one aspect of the case, as all the territory of Texas is ceded, and her government united with ours, we may be held jointly responsible for all that Texas is now liable to severally.

I am free to admit that, though actual hostilities do not now exist, and of course will not now be assumed by us if uniting with Texas, yet Mexico can obstinately persist in claiming her allegiance forever,—may refuse to recognize her independence for centuries, and threaten everlasting war. But before actually recommencing hostilities, she will be likely to look a little to public opinion and her true policy, under all the facts of the case, and will probably come to the conclusion that a war renewed after all the circumstances just recapitulated can hardly be deemed a just war, or receive any countenance from the intelligence and civilization of the rest of the world. It is certainly preferable not to come in collision with any nation, under any pretensions, however ill-founded, if they can be overcome by reasonable remonstrance or friendly solicitation. But, if all these have been exhausted in vain by us and the leading powers of Europe, to persuade

Mexico to recognize the independence of Texas, the safety of international intercourse and the claims of humanity will compel the rest of the world to perform their duties to others, and sustain their own national rights.

Under all the circumstances, then, we not only possess rights to secure our frontiers more effectually in both peace and war, and protect our institutions and commerce from all disturbances, but it is our duty to do it when voluntary and amicable opportunities exist; and we should beside be justly exposed to severe censure, as the leading power on the American continent, if we longer neglect to extend more decisive influence in favor of a weaker and wronged people, our neighbors and kin; and to interpose effectually to put an end to inhuman aggressions upon them, and to restore peace, commerce, and civilized conduct, on the theatre of the new world.

The rules of national law are clear on this point; and, in the first place, as to the interposition for stopping a contest which has been conducted with inhumanity.

I fearlessly assert, that if the condition of things which has existed since 1836 is to be dignified by the name of a public war between Mexico and Texas, it has been conducted in such a predatory and uncivilized manner, that if, by a friendly union with Texas, we become exposed to it, and it is renewed, we shall perform a great public Christian and international duty, by thus taking it on ourselves and ending it.

Mixed up with this is often the consideration that the contest has been carried on so long as to disturb too much the peace, commerce, and interests of the rest of the world; and, in this way, tends not only to the gradual destruction of one or both of the belligerents, but sacrifices the mutual rights of others to free trade and tranquillity, and makes them victims to foolish obstinacy on the part of the combatants.

This is unreasonable, and may, by compacts between other nations, or the magnanimous impulses of one, be ended, if practicable.

Let us first listen to what Chancellor Kent says against such misbehavior in war. In 1 Kent's Com., 90, he denounces, as contrary to national law, the "making slaves of prisoners." (Cites Grotius for this and Montesquieu, as saying "that the laws of war gave no other power over a captive than to keep him safely.") So, page 91, plunder of private property on land is forbidden in war; and especially you are "*not to disturb the cultivators of the soil.*"

Hear Mr. Webster, also, on that point (in Doc. 10, confidential), in his letter to Thompson, part of which I have before cited for another purpose:

"You will take occasion to converse with the Mexican Secretary, in a friendly manner, and represent to him how greatly it would contribute to the advantage as well as the honor of Mexico to abstain altogether from predatory incursions, and other similar modes of warfare. Mexico has an undoubted right to re-subjugate Texas, if she can, so far as other States are concerned, by the common and lawful means of war. But other States are interested, — and especially the United States, a

near neighbor to both parties, are interested — not only in the restoration of peace between them, but also in the manner in which the war shall be conducted, if it shall continue. These suggestions may suffice for what you are requested to say, amicably and kindly, to the Mexican Secretary, at present; but I may add, for your information, that it is in the contemplation of this government to *remonstrate in a more formal manner* with Mexico, at a period not far distant, unless she shall consent to make peace with Texas, or shall show the disposition and ability to prosecute the war with respectable forces."

Let me explain how the *remonstrance in a more formal manner* against the Turkish mode of waging war in Greece upon women and children, farmers and vineyards, in 1827 (427), was conducted by the great European powers. It was by laying the English, French, and Russian fleets alongside of the semi-barbarians, from whose decks the ravaging troops had been disgorged, and blowing up and otherwise destroying four sail-of-the-line, fifteen frigates, fifteen corvettes, nine brigs, three fire-ships, and numerous transports, being the whole Ottoman fleet of near one hundred vessels, and a loss of human life unprecedented in maritime contests. (2 Blount, 428.)

Hear Mr. Webster again on the right for us to interfere:

"Indeed, although the right or the safety of none of their own citizens was concerned, yet if, in a war waged between two neighboring states, the killing, enslaving, or cruelly treating of persons, should be indulged, the United States would feel it to be their duty, as well as their right, to remonstrate and to *interfere* against such a departure from the principles of humanity and civilization. These principles are common principles, essential alike to the welfare of all nations; and in the preservation of which all nations have, therefore, rights and interests. But their duty to interfere becomes imperative in cases affecting their own citizens.

"It is therefore that the government of the United States protests against the hardships and cruelties to which the Santa Fé prisoners have been subjected. It protests against this treatment in the name of humanity, and the law of nations; in the name of all Christian States; in the name of civilization, and the spirit of the age; in the name of all republics; in the name of Liberty herself, enfeebled and dishonored by all cruelty and all excess; in the name and for the honor of this whole hemisphere, it protests emphatically and earnestly against practices belonging only to barbarous people, in barbarous times.

"Every nation, on being received, at her own request, into the circle of civilized governments, must understand that she not only attains rights of sovereignty, and the dignity of national character, but that she binds herself also to the strict and faithful observance of all those principles, laws and usages, which have obtained currency among civilized states, and which have for their object the mitigation of the miseries of war." (Webster, April 5, 1842.)

"No community can be allowed to enjoy the benefit of national character in modern times, without submitting to all the duties which that character imposes. A Christian people who exercise sovereign power, who make treaties, maintain diplomatic relations with other States, and who should yet refuse to conduct its military operations according to the usages universally observed by such States, would present a character singularly inconsistent and anomalous." (Webster, April 5, 1842.)

Let us stop, then, if possible, by this alliance with Texas, the ferocious and cruel course of Mexico; her barbarous warfare on women and children; the letting loose of Indian butchery and conflagration; the assaults by a convict banditti for plunder; the shooting, in cold blood, of prisoners of war, or immuring them in dungeons and chains. I would remember that Lord Chatham appealed to the very tapestry

on the walls of Parliament to frown on them for an indulgence in any such barbarous practices, as the portrait of the father of his country, on that wall, would now frown on us, if we justified such practices.

Belligerents have no right to ask from neutrals respect to belligerent conduct, unless it be of a Christian character, and such as is tolerated by the laws of civilized nations. But, on the contrary, they are justified in an armed neutrality, or in leagues, or alliances, to put an end to such inhumanities, as well as to their longer disturbance of the sympathies, commerce and peace, of other nations.

But enough as to the principles applicable to such a case, which justify us in risking even war, if necessary, to end these outrages. But I regret that one senator (Mr. CHOATE) has denied the existence of such atrocities on the part of Mexico, and has treated her as a most republican and "*unoffending*" power.*

Indeed, sir, Mexico has been eulogized as a nation that has carried on a constant and humane war with Texas, and, at the same time, with much skill and success. What, sir! The success of eight millions of people against one-third of a million; and, after seven years, have not regained a single acre of land, but lost armies and chiefs by capture, and implored the clemency and release of them from the handful of lion hearts, and eagle eyes, and brave arms, which, nerved by freedom, have stood up valiantly against oppression till the present moment!

But let us see how the facts accord with that senator's views. The evidence as to the moral and civilized conduct of Mexican warfare, as described by Mr. Van Zandt officially, and whose high and recognized station here entitles him to full credence, is this:

"Mexico has been depredating upon the property of our exposed and defenceless frontier; murdering the inhabitants in cold blood, or forcing them away into a loathsome and too often fatal captivity; inciting the numerous tribes of hostile Indians, who reside along our northern frontier, to plunder our exposed settlements; stimulating them to the most cruel and barbarous massacres and inhuman butcheries even of our defenceless women and children, and to commit every excess of savage warfare." (Con. Doc., pp. 12, 15. Van Zandt to Upshur.)

Listen, next, on the facts, to Mr. Webster. In a letter to Mr. Thompson, he speaks of (31 January, 1843) "*predatory incursions*

*In the debate, it was averred that the rights of conscience and religion had never been invaded by Mexico, and were similar under both governments, and protected in one as well as the other. With a view to correct this, and to show that Mexico, if unoffending, is not exactly the bulwark of our religion (at least of the Protestant religion of the east), I add an extract from the constitution of each on this subject:

"No preference shall be given by law to any religious denomination, or mode of worship, over another; but every person shall be permitted to worship God according to the dictates of his own conscience." (Texian constitution, doc. 415, p. 16, H. of Rep., June 24th, 1836.)

"The religion of the Mexican nation is, and will be perpetually, the Roman Catholic Apostolic. The nation will protect it by wise and just laws, and prohibit the exercise of any other whatever." (Mexican constitution, 2 Kennedy's History, p. 422.)

in which the proclamation and promises of the Mexican commander are *flagrantly* violated, non-combatants seized and detained as *prisoners of war*, and private property used and destroyed." Yet the senator from Massachusetts (Mr. CHOATE) doubts all this, has no sympathy nor complaint for this, but eulogizes Mexico as humane, "unoffending," and successful,—yes, humane! Though, when Mr. Thompson remonstrated with Mexico for *predatory forays*, &c., the minister virtually confessed the whole, by vindicating it, in saying "*that prisoners taken* were not entitled to any of the *privileges of prisoners* of war, but that they were *rebels*, and would *be so* treated," &c. (10 p. Doc. Confidential, March 14, 1843.)

Hear Mr. Webster further as to the facts about some other prisoners:

"The privations and indignities to which they were subjected, during their march of two thousand miles to the city of Mexico, at the most inclement season of the year, were horrible; and, if they were not well authenticated, it would have been incredible that they should have been inflicted in this age, and in a *country calling itself Christian and civilized.* During many days they had no food, and on others only two ears of corn were distributed to each man. To sustain life, therefore, they were compelled to sell, on their way, the few remnants of clothing which their captors had left them; but, by seeking to appease their hunger, they increased the misery which they already endured from exposure to the cold. Most dreadful of all, however, several of them, disabled by sickness and suffering from keeping up with the others, were deliberately *shot*, without any provocation. Those who survived to their journey's end were many of them afflicted with loathsome disease; and those whose health was not broken down have been treated, not as the public law requires, but in a manner harsh and vindictive, and with a degree of severity equal, at least, to that usually inflicted by the municipal codes of the most civilized and Christian States upon the *basest felons.* Indeed, they appear to have been ranked with these, being thrust into the *same dungeon* with Mexican malefactors, chained to them in pairs, and when allowed to see the light and breathe the air of heaven, required, as a compensation therefor, to labor, beneath the lash of a taskmaster, upon roads and public works of that country."

Though the senator from Massachusetts may discredit all the enormities so feelingly described by his friend, the late Secretary of State, and may think the hostilities to be now humane and successful, and Texas, if not protected or ceded to us, likely, ere long, to be re-conquered by Mexico, can he, on reflection, think of that event with so much apparent and unmingled satisfaction? What, sir! Our brethren and children, decoyed there by new and liberal colonization laws of Mexico, and then stripped of their privileges, their constitution violated, and their rights of conscience invaded, and their Saxon blood humiliated, and enslaved to Moors, Indians, and mongrels! When prisoners of war and non-combatants, are they to be plundered, shot, or imprisoned in dungeons like felons, and compelled to labor like slaves? Is all his sympathy and patriotism to tell them, if disliking that, they may submit to the holy-alliance claims of Mexico, or take refuge under the power of England — re-colonized to the power their fathers defied, and re-subjected to a monarchy and established church? I do not profess to use his words, but to show the tendency of his

argument. Will the senator from Missouri concur with him in this view? No, sir,—no! In another part of his speech, the senator from Massachusetts admits that much blood is yet to be spilt there. However near the re-conquest appears to him, under so vigorous a war of eight years, by eight millions of people against two or three hundred thousand,—and if much more is to be so spilt,—why ought not all of us to seek, by the ratification of this treaty, to prevent the calamity and the unchristian stain of it on civilization, as well as save our kin from the ignoble bondage, as I regard their re-subjugation, but the great blessings, as he seems to consider them, of an early re-conquest by the *free*, enlightened, and *unoffending* Mexicans?

But there are other views of the existing relations between Mexico and Texas, which render the re-annexation not only free from exposure to any actual or just war, but an act of high national duty for relief to a weak and oppressed neighbor. Thus it is repeatedly laid down, by writers on national law, that nations may properly assist each other when their rights are violated, whether, in consequence of such violation, they change the old rulers or old government, or divide and declare a part independent. (Kent, p. 24; Vattel, B. 2, ch. 4, sec. 56.) Vattel hence approves "the case of the Prince of Orange as a *justifiable* interference" in the affairs of England; and Kent says, "The assistance that England gave to the United Netherlands, and the assistance that France gave to this country during the war of the Revolution, *were justifiable acts*, founded in wisdom and policy." And Spain herself, once, through her governor in Florida, claimed from us the enforcement of this principle.

Governor Folch (December 2, 1810, 3 State Papers, 396) asks our aid to expel insurgents, as "the United States, who profess the exercise of equity, cannot exempt themselves from taking part with the *party unjustly oppressed*." In national, as well as personal conflicts, the duty of others to interpose and protect the weak and oppressed, is a principle of human nature. (1 Martin's Law of Nations, p. 80.) It is instinct,—it is justified by reason; and sympathy, carried into action in such cases, tends to ennoble our common origin and destination; and, if the case is one even of doubtful character, humanity turns the scales in favor of the weak.

The relief must, of course, be rendered against the party in the wrong,—as we have already shown Mexico to be, not only on the American principles of self-government, but on those of a just resistance to her arbitrary outrages, and the uncivilized manner of her past hostilities, and the opinion of most of Christendom against her further efforts to conquer Texas. The former has been aggressive—the latter only defensive. The former feels power and forgets right, while the latter has never asked either authority, privileges, or treatment, but such as our fathers before them fought and bled to establish. It is a prominent object, in many treaties, to consult, not only the "common tranquillity of both nations," as an object (1 Col. of Treaties, p.

122), but the rights of humanity and civilization among the rest of the world. I am no alarmist, nor shall I contribute to any panic debate; but, in my opinion, it is always the right, and at times the duty, of every nation to interpose, not only to urge the cessation from an unjust war like that of Mexico, but, if need be, to form treaties, and supply troops and means, for its suppression. I would dissuade from interference like that of the Holy Alliance, to prevent a people from exercising the power of self-government. I would justify no Copenhagen seizures of the vessels of an unoffending neutral. Nor would I wander over the world to distant nations, to redress grievances concerning which our knowledge was limited, and with which neither our interests nor tranquillity were much connected. This would, in some cases, as it has with England, border on political quixotism. But on my own continent,— on my own frontier,— as to a people of my own stock and faith, and a territory once and for a whole generation my own,— I would not hesitate to form a peaceful alliance, and, if need be, to exercise every national influence for protection to the weak and oppressed.

Let me entreat senators to recollect, for a moment, how often this has been done, even by crowned heads, whose tendency has been more for war than republics, and in ages less civilized even than this; and by, as well as against, some powers who, in the very treaties, were so near ruder periods as, among other titles, to retain that of "King of the Goths and Vandals."

Thus, as early as 1585 and 1591, are such treaties to be found in modern times. (1 Chalmers' Treaties, and 3 Collection of Treaties.) In 1659, February 3, a treaty was made between Richard Cromwell and Louis XIV. to *mediate* between Sweden and Denmark, and if these powers would not make peace, to *help* Sweden; and if France or England was, in consequence of it, attacked, they engaged to make their defence a *common cause*. (3 Col. of Treaties.) Another, of similar tenor, "for obliging the northern kings to make peace," was entered into May 21, 1659, by France, England, and the United Provinces. They were to use their fleets, if necessary, and to try, through their ambassador at Denmark and Sweden, to secure their commerce in the Baltic, free and undamaged. (p. 191.) Another, on the 24th of July, 1659, between England and the United Provinces, was "for inducing Sweden and Denmark to make peace," and whichever power did not consent to it in a fortnight was to be induced by using their fleets against her (p. 197); and another still was made August 16th, of the same year, between some of these powers, "for *procuring* a peace" between the others, by the employment of their navies in concert, if necessary.

Elizabeth, by assistance to the Netherlands in various ways, helped to secure the triumph of the Protestant religion, and to build up the naval power of England, so as to triumph over Philip's invincible

armada. She made a treaty of alliance with them near forty years before Spain acknowledged their independence. (1 Chalmers, p. 123.)

Again, in 1603, her successor, James I., and Henry IV. of France, entered into a compact to mediate with Spain for the recognition of the independence of Holland; and in the event that the parties could not be reconciled on just terms, they made the important stipulation to aid the side least stubborn, and aid each other, if assailed by Spain. (1 Col. of Treaties, 128 and 9.)

In 1668 (1 Col. of Treaties, 136), a triple alliance was made between Charles II. of England, and Charles II. of Sweden, and the Netherlands. They professed to feel much grief at the calamities of the war which had involved most of Christendom; and provided that, if Spain would not accede to what they thought reasonable terms, and end those calamities, they would take "*more efficacious measures.*" (p. 141.) If England or the Netherlands were attacked, the number of ships and troops to be mutually furnished was arranged, and the King of Sweden, on certain subsidies, was to assist; and if France proved unreasonable and stubborn, he was to "side with Spain, and make war against France." (p. 145.)

Can any of us forget, also, without more details as to earlier ages, the memorable alliance by France to aid us in 1778, when weak and oppressed, and which, as before seen, the soundest writers on national law have justified?

In 1825 (September 20th), Mexico and Colombia made a similar treaty for mutual defence and independence, against Spain. (26 and 29 Niles' Reg., p. 356.)

And the celebrated Congress of Panama was projected for a like purpose, among others. Indeed, by the last arrivals, the British writers in politics are, on this same principle, excusing the recent interference of England in favor of the people of Scinde, and against its princes. Speaking of the latter, the Foreign Quarterly Review for January, 1844, says: "They were, in reality, tyrants; and, in delivering the inhabitants of Scinde from their yoke, we were performing good service to HUMANITY," &c.

No more signal instances exist in modern times of this interference of other powers to assist the oppressed and terminate protracted hostilities,— injurious to the common interest of the world,— than those memorable ones as to suffering Greece in 1827, as to Belgium in 1831, and Turkey in the Syrian war by Ali Pacha in 1832.

Though some of the Holy Alliance were engaged in these humane enterprises, yet others united with them; and the object of the whole, so far from being similar to that of the Holy Alliance, and hostile to changes of government by the people, was, in the case of Greece and Belgium, for protection under those changes, and to end a struggle which might be protracted and useless against them, as well as dangerous to the general peace of Europe.

The former case was deemed one of so justifiable an interference

here, as well as abroad, that "a universal burst of acclamation" is said, by one of our whig annalists, to have "hailed the first news of the victory of Navarino, throughout civilized America and Europe." And the distinct object then for the movements of the allied powers, as shadowed forth in their treaty of July 6, 1827, was to restore peace to Europe; and, though the Greeks were considered by them to be in a state of revolt against their lawful sovereign, yet they were desirous to protect them from destruction and the ravages of a barbarous system of warfare. (3 Blount's Reg., 228 and 9; 6 do., 158.)

In the case of Belgium, the five powers, England, France, Austria, Russia, and Prussia, agreed to a protocol, on the 4th of November, 1830, by which they required a cessation of hostilities on both sides, and a virtual recognition of the independence of Belgium. This was done, though the revolt had existed scarcely a single year.

But the peace of much of the world was likely to be disturbed, and its industry and commerce most injuriously deranged; and hence they felt justified to interfere, and did interfere, even to aid the revolters. Both England and France despatched their fleets to succor the weaker power; and as a check to the obstinacy of Holland, in still persevering to lay waste villages and burn farm-houses, they demolished the citadel of Antwerp, after a bombardment one of the most remarkable in history.

The other case was equally striking, in some respects, having been an interference to protect the Mahometan. Yes; the slaveholding Turk against revolting subjects, many of whom, in Syria and Egypt, were Christians.

England, Russia, and France (all boasted Christian powers, and so ardently enlisted in favor of abolition), united and mediated, not by words only, but Russia by the bayonet and cannon, to shield the infidel slaveholder from the destruction, and restore peace in that quarter to Asia and Africa, as well as Europe. They looked to the rights of commerce and the tranquillity of Christendom, and the great interests of peace, rather than to creeds of belief or domestic institutions.

So, again, in the case of the revolting Greeks; they united to aid even republicans and rebels, under certain conditions.

After all this, shall we, the leading power on the continent, see our Christian as well as republican brethren in Texas harassed longer by barbarous hostilities; and, in a just cause, not sustain those who have so long and valiantly sustained themselves, when monarchies abroad do it, even for Mussulmans, rebels, and democrats? Shall they do it for these more distant, and we not for our nearest neighbor and kin? Shall they, whose trade has been fighting, interfere efficiently for peace in aid of a just struggle, and we who profess peace, and to be the disciples of the Prince of Peace, not lift a finger to restore it? Have we lost our sympathies, our humanity, our religion, and neither incline nor dare to do our duty, from fear of envious censure?

How much did considerations like some of these rally all Europe to band together in driving Napoleon to Elba and St. Helena, and

thus restore peace, and order, and prosperity, to the desolated cities and fields of most of Christendom! These are not war measures, but peace measures. Nations, like individuals, are often to be blessed if peacemakers; and that not only by the use of arguments and entreaties, but force, if required. Both should thus interpose, if death, or ruin, or serious injury, is likely to happen to others, as well as themselves, by a continuance of hostilities, as the rights of peace are paramount to those of war, and such interposition is the more quickly to restore commerce and public tranquillity. This suppression of further conflicts is proper between parties who either do not use proper means for ending them seasonably, or who outrage the laws of civilization in their mode of warfare. The object of such interference is speedier and surer repose to the world. It deserves encouragement from the friends of peace and sound morals, as well as of improving industry and free trade. It is philanthropy, rather than selfish aggrandizement; and merits applause, rather than the denunciations witnessed on this occasion against those who are anxious, by the ratification of this treaty, to stop the further effusion of human blood, the waste of money, and obstructions to agriculture and commerce too long growing out of the past ruinous relations between Mexico and Texas.

Finally, let it not be forgotten that it is our duty to take this peaceful and voluntary cession, even if a risk of war ensues, provided that we ourselves are thereby likely to escape from serious injury through foreign influences. Much more can those vindicate it who believe it necessary to actual self-preservation, or the security of the institutions, property, and commerce, of any portion of that great republic, one and indivisible, whose "*domestic tranquillity*" and welfare the constitution itself was made in part to guarantee.

Thus, while France subdues Algiers or seizes on islands in the Pacific, and while England invades China and India and Africa, we look on without intermeddling, except by uniting in that public opinion and public judgment of the rest of the civilized world, which finds so much to condemn in some of these aggrandizing and violent measures. But let these foreign powers, in their restless ambition, approach Cuba on the south, or Texas on the west, and our own hearths and altars become endangered; and the pervading instinct of self-preservation, no less than interest, will, at times, require us to act. In such case, if need be, we must take more *efficacious measures* than to talk. We must even arm, rather than have powder magazines of all kinds placed around our frontiers, and the safety of property, revenue, and all the commerce of the mighty west, jeoparded. The precautions taken and the resistance made on our part, in such a case, cannot *justly* be called intermeddling in the internal conflicts of parties in another government. Nor is it a struggle, like many in centuries past, to preserve the old balance of power, and check the undue enlargement of a neighbor, which remotely, and in time, might prove injurious; but it is to repel danger to ourselves, quite certain, if not imme-

diate; and that from a quarter already hemming us in and round at every point of the compass. We can, in such cases, on sound principles of national law, not only take precautions to prevent the catastrophe, as is now proposed, for that and other reasons, by a peaceful and voluntary purchase of the territory, but can, if we please, lawfully interpose and aid the party which is just in its efforts for self-government, by making with it alliances, or a union of territory, institutions, and exertions.

Hence, in 1 Kent's Commentaries, p. 22, while he justly speaks against the interference of one nation to change the government of another, at the same time he says, "*Every nation has an undoubted right to provide for its own safety, and to take due precaution against distant as well as impending danger.*"

A memorable case occurred in 1810, showing under what degree of danger and apprehension so careful a man as Mr. Madison felt justified to seize on a neighboring territory in possession of Spain, and without an act of Congress.

In the National Intelligencer, December 28, 1810, a letter from New Orleans speaks to this effect of the terrtiory east from New Orleans to the Perdido:

"The country, at least as far as the Perdido, ought to be taken possession of by the United States; and if there should be the most distant probability of East Florida falling into the hands of any European power whatever, we should, without hesitation, fix our standards at St. Augustine and Pensacola. The province, of itself, is of little value, but it is one *of the keys* to the Mississippi. Power placed there will control the commerce of the western world."

And in the presidential message of December, 1810, Mr. Madison announces his movements to take possession to the river Perdido; as there was an unadjusted claim, and a revolution, and we could hold till an arrangement was made with Spain.

Spain had been left in possession till the claim to it by us was settled by negotiation; but her power had been resisted by insurgents, and subverted; and Madison ordered out troops and took possession of it, without waiting for any new law by Congress, because a situation was "*produced exposing the country to ulterior events which might essentially affect the rights and welfare of the Union.*"

If force was opposed to us, the United States troops were instructed to repel it, except from any place still in Spanish occupation. (Int. December 5, 1810.)

In his message he says Congress will make "*whatever provision* may be due to the essential *rights and equitable* interests of the people thus brought into the bosom of the American family."

He thought a *crisis had arrived* "*endangering the tranquillity and security of our adjoining territories,*" &c. (See his proclamation.)

In 3 State Papers, p. 394–9, is Mr. Madison's message at length, and the letters as to that part of West Florida.

From the whole it appears that by force we occupied east to Perdido, not because it was claimed by us, but because the Spanish authority had been "subverted by a revolutionary proceeding, and the contingency of the country being thrown into foreign hands had forced itself into view."

A few of Mr. Clay's remarks on that occasion were so intrepid in spirit, and showed so well the dauntless energy of him and his then republican friends towards all opposition, whether from abroad or at home, that they deserve special remembrance. It was such conduct then, and in 1811, 1818, and 1820, on kindred topics, that paved the path on which he has since walked to such wide fame:

"I have no hesitation in saying, that if a parent country will not or cannot maintain its authority in a colony adjacent to us, and there exists in it a state of misrule and disorder menacing our peace, — and if, moreover, such colony, by passing into the hands of any other power, would become dangerous to the integrity of the Union, and manifestly tend to the subversion of our laws, — we have a right, upon eternal principles of self-preservation, to lay hold of it. This principle alone, independent of any title, would warrant our occupation of West Florida.

"We are told of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war upon us for the act under consideration, the nation, I have no doubt, will be willing to meet the war. But the gentleman reminds us that Great Britain, the ally of Spain, may be obliged, by her connection with Spain, to take part with her against us, and to consider this measure of the President as justifying an appeal to arms. Sir, is the time never to arrive when we may manage our own affairs without the fear of insulting his Britannic Majesty? Is the rod of British power to be forever suspended over our heads? Does Congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean, we are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed, the whole navy of the haughty mistress of the seas is made to thunder in our ears. Does the President refuse to continue a correspondence with a minister who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation, we are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea or attempt their maintenance by land, whithersoever we turn ourselves, this phantom incessantly pursues us.

"I am not, sir, in favor of cherishing the passion of conquest. But I must be permitted to conclude by declaring my hope to see, ere long, the new United States (if you will allow me the expression) embracing, not only the old thirteen States, but the entire country east of the Mississippi, including East Florida, and some of the territories to the north of us also."

There is another illustration, on that very frontier, as to what kind of danger to our property must exist in order to justify forcible interposition, and from which it can readily be inferred how much less or remote danger would make it our duty to interpose by a peaceful purchase, even if some risk of unjust retaliation against us should accompany the transaction. In the House of Representatives, on the 8th of January, 1811, in secret session, a resolution was passed, authorizing the President, in either of two events, to take possession of the Floridas. (2 Executive Journal, pp. 180, 181.) The steps were adopted from the "intimate relation of the territory" to the United States, with an eye "*to their security and tranquillity*," and con-

sidering the "peculiar situation of Spain and of her American provinces;" and it was resolved that we could not, "with indifference," "see it pass from the hands of Spain into those of *any other foreign power.*" (p. 175.) See Mr. Madison's message recommending the step, though it was then denounced by a few of his political opponents as "*robbery and war,*" while others vindicated it on high principles of national law. (National Intelligencer, 5th January, 1811.)

The British minister then protested, and intimated that we acted "from *ambitious motives,*" or by a desire of foreign conquest and territorial aggrandizement. How exactly does the senator from Massachusetts now tread in the footsteps of the British minister! Mr. Foster urged further that the United States, under this pretext of a claim, "cannot expect *to avoid the reproach which must follow the ungenerous and unprovoked seizure of a foreign colony, while the parent State is engaged in a noble contest for independence,*" at home, &c. (2 State Papers, 543.)

Mr. Monroe replied to Foster, July 8, 1811 (543), and, not admitting the right of England to interfere, repels the motives imputed, though too common abroad.

Again, November 2, 1811, he says we had claims for spoliations, &c., on Spain, long unsatisfied; looked to East Florida, as means near for indemnity; and could not allow them to go out of our reach, "*without injustice and dishonor to ourselves; and no other power could take East Florida,* but from hostile views to us." Hence the act of Congress was passed, empowering possession to be taken in certain events. (2 State Papers, p. 544.) He adds: The United States "have been persuaded *that remissness on their part might invite the danger,* if it had not already done so, when it is much their interest and desire to prevent it." (p. 544.)

Much more of detail on this can be seen in the volumes referred to, and our own files, as well as in the National Intelligencer of June 20th, 1811. And it is not the least remarkable coincidence, that the first appearance of some of these documents was then, as now, by an unlicensed publication of them in a newspaper in Connecticut, probably from the confidential copy of some senator, with a view to make political capital against Mr. Madison, and by which the Intelligencer justly remarked "the public interests were wantonly disregarded." These cases are all those where force was used or contemplated, and urging excuses for it. But, in that of Texas, we have used no force, and propose to use none, unless unjustly attacked; and will not the reasons already recapitulated excuse defence when attacked, if they then excused force in the first instance?

In 1820, it was again recommended by President Monroe, the Secretary of State being Mr. Adams, to pass a law to take possession of the Floridas, notwithstanding the treaty ceding them had not been

ratified. Some of the reasons urged in the public prints were, the necessity of them for safety to the Southern States, for better protection against insidious interference from abroad, and the contempt, as well as injustice, attached there to the Spanish power. (Niles' Register for 20th December, 1820, and 18th March.)

Let it not be said, as differing from the present case, that we then had claims against Spain unsettled; for we now have important ones against Mexico.

These may be considered by some as bold measures. They were recommended, at least, by bold men,—men who knew their rights and always dared to maintain them, however menaced at home or abroad. They only looked for the path of duty, and, when found, moved forward in it, swerving neither to the right nor left, from attempted intimidation or foreign intrigue. As an example for us on this occasion, let us look to the practical exposition of their principles in 1803, as well as in the cases of 1810, 1811, and 1820, just referred to.

The apprehension of any difficulty with Spain, who remonstrated against our right to purchase Louisiana, did not deter our patriot fathers, in 1803, from accomplishing that ever memorable duty and glorious act of policy; and as little did the apprehension of a seizure of it by England, in her war with France, then breaking out, alarm them from their purpose. Much less should such fears swerve us from the still higher and more numerous obligations that urge us onward to a peaceful acquisition, not made in the spirit of aggrandizement, but, beside other good motives, to restore what was our own near half a century ago, and what, by Jefferson and Madison, with the whole Congress and country, except a small disaffected party, was vindicated as a purchase just and necessary for national security and national prosperity.

On what ground can any part of the European world presume to interfere with our amicable compacts with neighboring States on this continent? And on what just ground are we to be deterred from what is right, honorable, and peaceful, in managing our own affairs, because displeasure happens to be expressed at it by "Mrs. Grundy," or Lord Brougham, or Daniel O'Connell? What if the exhortation of one of them came to us last evening across the Atlantic, trying to rally the whole British empire to interfere at once to *prevent the annexation of Texas?*

England forgets that she recognized our independence more than half a century ago; and one would think that it was nearly time now for her oligarchy to refrain from intermeddling in our affairs. She is in an admirable position to denounce our thirst for acquiring territory, when she has added encroachment to encroachment, till her forts and factories encircle the whole globe almost as closely as her light-houses do her coast.

As to such tirades, and the threatened scorn or censure of the world at large on us for the transaction, I cannot refrain from

recalling to your minds the eloquent sentiments uttered by Mr. Clay, in 1820, when the recognition of the South American provinces was under consideration, and when the reproaches of transatlantic rivals were held up *in terrorem* against us.

"On a subject of this sort, Mr. C. asked, was it possible we could be content to remain, as we now were, looking anxiously to Europe, watching the eyes of Lord Castlereagh, and getting scraps of letters doubtfully indicative of his wishes; and sending to the Czar of Russia, and getting another scrap from Count Nesselrode? Why not proceed to act on our own responsibility, and recognize these governments as independent, instead of taking the lead of the Holy Alliance in a course which jeopards the happiness of unborn millions? Mr. C. deprecated this deference for foreign powers. If Lord Castlereagh says we may recognize, we do; if not, we do not. A single expression of the British minister to the present Secretary of State, then our minister abroad, he was ashamed to say, had moulded the policy of our government towards South America,—an expression which, like Mr. Adams' definition of republicanism, had been construed to mean anything or nothing. We look too much abroad, Mr. C. said; you may find our minister in England at one time at the door of the Horse-guards, and the next moment in Paternoster-row purchasing literature for this country. Our institutions, said Mr. C., now make us free; but how long shall we continue so, if we mould our opinions on those of Europe? Let us break these commercial and political fetters; let us no longer watch the nod of any European politician; let us become real and true Americans, and place ourselves at the head of the American system."

Even two years earlier, in a speech of the 24th of March, 1818, he exhorted us to make the lead in favor of the revolted and oppressed provinces of Spain, in "defiance of the Divine right of kings to rule." If we erred, it was better to err on the side of human liberty. He was "not a propagandist," but had sympathy for such a people; and would recognize them, and act further, "*as circumstances and interest require.*" (Vol. I. of Speeches, p. 85.) If we were ourselves independent, we ought to be "guided by American policy," and "obey the laws of the system of the new world." (p. 88.)

In doing this, as I have recently remarked on another occasion, if war be threatened, or actually comes, it will be gratifying to reflect that it comes wrongfully, and might come so in any other difficulty,—even for the mere acknowledgment of Texian independence, as was menaced by Spain in a like case, and by Santa Anna himself for still slighter reasons. But whatever nation, heeding threats or exposure to unjust war, is tempted by the dread of them to turn aside from the path of duty, humanity, and honor, is itself unfit to exercise independent powers, and should be re-annexed to her ancient masters.

So far from this shrinking having marked our course, even under more threatening dangers, in 1810, 1811, and 1820, we went still further in 1823 than before; we avowed a determination to interpose ourselves, if any new foreign power should presume only to colonize anywhere on this continent, and hence much more if in Cuba or Texas, in our near neighborhood; because, more than ten years previous, it had been foreseen and stated, that if a new foreign power should take possession of Cuba, the whole Mississippi valley will be at her mercy. (Nat. Int. July 8, 1811.)

We united in the Congress of Panama, even before Mexican independence had been acknowledged by a single European power; one object of which was "firmly establishing the independence of each of the American republics." (Canaz Letter, 96, Appendix, 4th Blount.)

Another object was to concert measures to prevent Europe from colonizing further in any part of the American continent. (Saloza to Clay, Nov. 2, 1835, p. 92, Appendix.)

And this rested in part on the idea that such a colonization would endanger the independence and safety of all the new republics.

In 1825, under Mr. Adams' administration, Mr. Clay, as Secretary of State, seems to have been authorized to state officially, not only that "we cannot allow a transfer of the island (Cuba) to any European power," but that the Mexicans have been dissuaded not to attack Cuba in the war with Spain, lest it might lead to consequences dangerous to the domestic tranquillity of the south. (Clay to Middleton, Dec. 26, 1825; Blount's Register, 91.)

It therefore not only became a common object in this continent to prevent new foreign settlements and influences here, but we labored to enlist friendly powers in Europe to sanction it; and succeeded in convincing England that it was her duty, as well as ours, to prevent any nation abroad from aiding Spain to re-conquer her revolted provinces. (2 Wheaton, 81 to 89.)

But, so far from this countenancing any force or intrigues from abroad, to control any of the new republics here, it aimed in principle at the defeat of such attempts, as well as of ordinary colonization. It tries to secure to all America self-government, free either from European diplomacy or European arms. If Texas, or any other republic, chooses to cede a part or all her territory, and unite with other sister States in government, what right has Great Britain or France to interpose, more than we have with the voluntary union of Ireland with England, or the voluntary separation of Belgium from Holland?

A war in Europe may arise from the change of masters over a single city or province; but it is a war in her own brotherhood or system, and neither connects itself with changes in Asia, though of dominion there over empires, nor recognizes American interferences in Europe or Asia, more than we admit of European ones here. Mr. Madison says, Europe has, in many respects, a system of policy and interests almost peculiarly her own, and disconnected from other quarters of the globe. The danger of foreign interference, and of collisions with other nations than Mexico, is really more imminent, if we postpone annexation, than if we complete it forthwith. In this last case, the door is shut to European tactics. Threats, jealousies, or favors, intrigues and appliances of all kinds, will be superseded, and future struggles or blood to secure ourselves on that frontier, worse than anything now probable, will all be obviated.

In closing these remarks on officious interference from abroad, and manufactured public opinion abroad, I say, unhesitatingly, that

if we are to be calumniated for exercising a constitutional right to purchase, treat, and unite with an independent nation, in procuring again an empire in size, which we once owned, and is occupied by our own brethren,—for doing this by peaceful negotiation, and for mutual benefits, rather than by rapacity or fraud,—and for exposing ourselves to no just cause of war, but, on the contrary, terminating a predatory and barbarous contest in behalf of liberty, independence, religious freedom, the Anglo-Saxon race, and the progress of humanity and civilization,—I, for one, am ready to appear at the bar of public opinion, and stand prepared to abide the calm judgment of both cotemporaries and posterity.

Some senators have deemed it a duty not to take this cession on account of our relations with Mexico, and the fear which ought to be entertained of her vengeance. But it is a mistake to suppose that, by this cession, if our former positions have been maintained, we thus violate the solemnity of our treaties with Mexico. It is no violation of them to consider the territory of Texas as not Mexican, but as belonging to another power — to Texas herself. So says the late Secretary of State; and so said, in 1838, our treaty of limits with Texas. Even if Mexico chooses to involve us in war on that account, we are not guilty of such a violation, any more than we were by our *quasi* war with France in 1798, and our real war with England in 1812; as we then had solemn treaties of peace with both of those powers existing, as sacred and in full force as now with Mexico.

It is begging the question to call our conduct on any of these questions a violation of our treaty obligations.

As little should we be terrified from duty by the apprehension of Mexican power, when exercised unjustly; though almost every speech on the other side begins and ends with war,—not only threatened, but war approaching,—war almost in our midst. But we should fear a neglect of duty to our own country and Texas much more than the *prowess and success* of Mexico, which have been so exaggerated, while, in truth, so lame and impotent as, during six years past, to kill a few women by Indians and convicts, and capture one judge and two or three travelling editors of newspapers, but not retain a single foot of land or a single fort. And, though some of the gentlemen who engaged in this debate seemed almost to see merchants fleeing, property sequestrated, commerce plundered on the ocean, cities sacked, and Santa Anna ready to plant (as he once threatened) the Mexican standard over our heads on the dome of our Capitol, yet, unfortunately, that hero has heretofore so misbehaved in peace as to have driven most of our traders already from his dominions, and to have neither power to come here by water, except in borrowed vessels, nor disposition to march eastward again by land over the territory near the field of San Jacinto.

How long it would take Mexico to re-conquer Texas when allied with us, after the attempts so vain and so long on her unallied, it is

not very difficult to compute; and I think the nerves of our wives and daughters, and the cradles of our infants, may be kept tolerably calm under this new panic. On the contrary, Mexico has every inducement to pursue a policy entirely different, and more worthy her natural position.

She has a noble opportunity, on this occasion, to withdraw from her further claims with dignity, and honor, and courtesy. It is not necessary that she should formally admit what has so long seemed apparent — her inability to re-conquer Texas; but merely acquiesce in the independence of a territory, whose people were mostly invited there from the United States by new colonization laws, in order to aid her in defence against Indian aggressions,— whose education, habits, and religion, do not accord with hers, and are unsuited to harmonize under her system,— and, as before fully shown, have rightfully resisted it; and, in fine, whose valor and success have excited the sympathies and confidence of most of the world. For the sake of meeting the wishes of the great powers of that world, and restoring quiet to its commerce, as well as peace, what is there derogatory in saying she will no longer stand up against the public opinion of Christendom? Spain having done the same by Mexico, and England by us, no feeling of pride is injured, nor the slightest humiliation involved, while at last she may win some glory by becoming the pacificator of much of the new continent.

Let us not, then, cling to this twig, or dwell on that small flaw,— hang a doubt on one loop, and an old prejudice on another. But group all these strong incentives to action together — add the political force of one to the moral strength of the other, and the urgent national interests in future, as well as now, so deeply involved, to the whole, and then weigh them *en masse;* and if they do not show a heavy preponderance of duty on us to take the cession immediately, I must confess my inability to weigh properly either evidence or principles.

It is, however, well known that a portion of this body deem our right to acquire, and the right of Texas to cede, clear; and our duty, at some time, to carry the measure into effect equally clear; and yet entertain doubts whether the present moment is most suitable for that purpose. To such I would, in conclusion, submit a few suggestions.

The annexation of Texas has been deemed desirable now by our executive, as well as the government of Texas; and a treaty has been finished to that effect, to be ratified within six months. Without strong reasons, what has been duly commenced, as of national magnitude, should be completed.

Again: Texas has been invited to institute proceedings, and close the treaty; and, without strong reasons, she ought not, in this stage of the business, to be disappointed and repudiated.

The reasons acting on the executives of both countries — the proper organs to commence such measures — have been sufficient and urgent,

and requiring, in their view, immediate annexation. It is well known, also, that many of the objections hitherto prevailing, as to the stability and ripeness of Texian independence, and as to the probability of re-conquest by Mexico, have been much weakened, if not entirely removed. Public opinion, too, has had more time to be developed, and has been fully disclosed in favor of annexation now, by public meetings and resolutions, by memorials and correspondence, infinitely more decisive and longer than when it was negotiated for in 1825 or 1829, or when it was offered in 1837. A rejection now is likely, also, to be construed as if casting dishonor on Texas, after inviting her action and concurrence in the cession and proceedings so far.

We have been trying to accomplish the re-annexation for more than twenty years; and now, when peaceably within our grasp, can it be wisdom to let it escape, for reasons of form, or ceremony, or party? If it be a mere question of time, as some urge, then why not seize time by the forelock? Why, in the language of the late national convention, not do it "as soon as practicable"? Delays, also, are dangerous, lest offence be taken on the other side, and the proposition be never resumed. So a delay here may lead to alliances and guaranties elsewhere, though not probably to re-union in government with a monarchy. Re-annexation may be thus defeated long, if not forever, as well as a dangerous foreign influence planted on our borders, which will not only peril our domestic institutions and property, as the Texian constitution is open to change on all subjects, but rob us of the control of the Gulf of Mexico, and girdle us around from New Brunswick to the Sabine, in a more iron and deadly gripe than that contemplated by France before our Revolution.

I say nothing here on the disclaimers of England as to abolition designs with us, when she has avowed them as to the whole world,—has encouraged them in Brazil and Texas, if not on the La Platte,—has sheltered our slave criminals in her provinces and islands; but I do say that our country, and our whole country, cannot see with indifference the wall she is closing up around us. Cuba at her mercy on the south whenever war approaches, the Gibraltar of the Gulf of Mexico; the Bahamas on the east, bristling with cannon; Halifax, Quebec, and Malden, with munitions and soldiery, on the north-east and north; the Rocky Mountains on the west barricaded, and the mouth of the Columbia fortified by her Hudson's Bay Company; and last, but not least, Texas on the south-west, forced almost insanely by us into her influences and protection, if not close alliance. Even in this debate, some senators (Mr. CHOATE) have considered the re-conquest of Texas by her old oppressors as probable, unless annexation to us speedily takes place, and yet refuse that annexation, and complacently foretell that there is another mode of escaping subjugation by accepting British aid, and, I presume, of course, with it, British abolition conditions, as well as British control. Beside these indications of the evils likely to result from delay, and beside the readiness of Mexico to

continue her persevering efforts to thwart us in the object of annexation, by any coöperation with England, we have already had a foretaste, since 1837, of the gratification felt in the British public at our short-sightedness in not uniting earlier with Texas, and the sanguine hopes of their future influence there which have thus been excited.

The Edinburgh Review of 1841 says:

"The United States, in refusing to admit Texas into their confederation, have rejected an offer which, in all probability, will never again be made to them; and Texas becoming, as years pass by, more and more attached to its own institutions, its own distinct policy, and its own national policy, and its own national character, will speedily regard the United States with some of those feelings of jealousy which nations always learn to entertain towards their nearest and most powerful neighbors. The commercial interests of Texas, and the antipathy to the northern portion of the United States which she inherits from her kindred of the Southern States, will always tend to unite her with Great Britain."

After detailing the advantages of a close alliance between Texas and Great Britain, the Review adds:

"The bonds of ancient kindred may thus be knit with fresh strength, and the independence of Texas create only a wider diffusion of the British race and British sympathies."

After going over the inducements existing, both in Texas and in the United States, to the conclusion of a treaty, and remarking that the signature of it "need not surprise any one," the London Herald thus speculates:

"Such a treaty would (unless the consent of Santa Anna thereto have been previously obtained, — a most unlikely event) lead to a rupture, if not to hostilities, between the United States and Mexico; and even if it did not produce immediate war, would most certainly foster the 'mission' to overrun Mexico which even now has possession of a large proportion of the Anglo-Americans. In a quarrel arising from such a cause, England and France would have a right to interfere, if only because annexation affected their acquired interests in Texas. It is the policy of both countries to support Mexico as a counterpoise to the United States; and England has an especial ground for the preservation of Texian independence in its influence on Canada."

Suppose that Mr. Jefferson had listened to delay in the purchase of Louisiana for only a single month, the war being renewed between England and France, would have made it a prey to British superiority at sea; and all the evils now deprecated as to the security of the commerce and cities of the Mississippi, and the domestic tranquillity of the south, would have been earlier felt, and earlier agitated the whole Union. (See Marbois' Hist. of Louisiana.)

What is the bearing of the new correspondence on this subject? It is most significant. It discloses the fact that Texas deems a new and formidable invasion from Mexico, when she hears of this treaty, to be so probable as not to be willing to enter upon making it without assurances of aid from us, if the exigency occurs while the negotiations are pending. So much is certain, that if we reject the treaty, or delay it,

and the invasion comes, Texas must be satisfied that no just aid can constitutionally be granted by us. What, then, must be her next resource? Will it be to take the field, and wade through carnage, expense, and conflagration, to repel it victoriously alone, as she doubtless may, according to the experienced judgment of the senator from Missouri? Certainly, rather than submit to Mexican re-conquest and Mexican chains; but certainly not, if she can avert both the carnage and the chains, with honor, by an arrangement with England or France, after making the first offer to us, and experiencing a humiliating refusal. In a single month after such refusal or delay, it will be wise and natural for her to guard against new contingencies, though not to become an integral part of the British or French monarchies, and abandon her republican institutions and independence, but to receive the guaranty of one of them against Mexican oppression. Of course, it would be on such terms as are honorable and acceptable to both parties, and leave no motive for renewed negotiations with us; on such terms as will secure life and property, restore peace to her industry and commerce, grow cotton for England independent of us,— a most vital object to her,— improve the finances of Texas, and fill up her rich domain, not by us and ours, and to our benefit and glory, but with millions from other quarters of the world, who have so long been repulsed by her hitherto embarrassed and unsettled relations. If, then, a more intimate union is ever to take place with us, it is my solemn conviction that "now's the day and now's the hour."

These apprehensions are so far from being visionary, that numerous similar arrangements, by more powerful States, with youthful and small republics, have occurred and continued for centuries.

How striking in the case of the Hanse Towns and other free cities of Germany! How momentous, at times, in that of the Swiss cantons! in that of Geneva,— Genoa! How desirable to us once, when the protection and assistance of France were obtained under certain mutual guaranties, but without our becoming a part of France, or a dependency, or ever feeling disposed, however much pressed, to renew our governmental relation with England, though attached to her by origin, education, and religion, almost as strongly as the people of Texas can be to us!

The correspondence before us, published as well as unpublished, proves that these gloomy apprehensions, if the *present golden moment* be not seized, are likely soon to be realized. Not so much, I admit, by rapacity, as by intrigue and interest elsewhere (as evinced by Mr. Huskisson, in debate, as long ago as 1830), and thus to place in the hands of another foreign and rival power a possession more dangerous to all our western as well as southern interests and commerce than Cuba herself,— Cuba, which, for twenty years, has been publicly tabooed by our Presidents and Secretaries from all foreign interference. If we postpone at all, then, let me ask to what time?

to what 4th of July are we to wait for the occupation of this, as of the north-eastern territory since lost? Our people are as acquisitive in their propensities, and especially about lands, as most others. Hence, when peaceful restorations of what was once our own, and, from its great value and importance, should never have been parted with, are offered, they would hardly justify that procrastination which may again be the thief to rob them of the prize.

The instincts of a great people are also seldom wrong; and those of ours have long run in the channel of sympathy for the down-trodden,— especially their own relatives and neighbors,— attachment to those daring to be free; and knowing what confidence, courage, and strength, were inspired into our fathers, in their struggle for independence, by the kindness and approbation of others, they will always be true to those instincts; and as far as justice, honor, and right, may warrant — which they are believed to do here — immediate annexation, they will march fearlessly up to the line of duty.

If we look further, the dominion of the whole American continent will be seen to be at stake. Shall it rest in America, or in a small island on the coast of Europe? Shall it be in a republic, or a monarchy? In us and our posterity, or in our oppressor and rival?

The commerce of America,— the great surplus commerce of both worlds,— on what does it chiefly depend? and where and whence shall it flow? Under whose guidance? whose protection? Look into these matters as connected with this question, and decide whether we shall, in truth, be independent in substance, or only in form! Exhibiting self-confidence, liberty, and defiance, somewhere else than on our lips; or stoop in action to temporize, vacillate, and delay, if not succumb to other powers! *

* There is another speech of Judge Woodbury on this subject, but it is omitted in this selection. We have omitted, also, a speech on the Tariff, which may be found in the Congressional Debates.

REPORTS.

REPORTS.

ON THE SAFE-KEEPING OF THE PUBLIC MONEY.*

THE arrangements for keeping the public money which had been in successful operation for a few years previous to the passage of the deposite act of 1836 became partially embarrassed by carrying into effect some of its provisions. But the enforcement of them all, where not entirely perfected, was in seasonable progress in May last, when the department was compelled, by the act, to give notice to such of the selected banks as had suspended specie payments that they could no longer be considered as general depositories of the public moneys. (See circular I.)†

A list is annexed of all before employed in that capacity which have been discontinued. (K.)†

After due inquiries to procure other depositories, in conformity to the act, the department has completed the appointment of only one. This, and four more that have not suspended, with one that has resumed specie payments (making six in all), constitute the present bank depositories for general purposes. A schedule of them is added. (L.)†

During the inability to obtain specie-paying banks at other points, the treasurer — being required, by the closing part of the 8th section of the act, to keep and disburse the public money according to the laws before in force — has done it in conformity to the very wide discretion which existed when no rules were in force that had been prescribed by Congress, except to "keep" and "disburse the same" under the general superintendence of the Secretary of the Treasury. A part of it has, therefore, been kept in special deposit in this city, a portion of it in the mint, and the residue with the officers collecting it, until

* From the Report of the Secretary of the Treasury; made September 3d, 1837.
† Printed with the Report, September 5, 1837.

it was wanted for public purposes, or until it accumulated in such sums at any point as not to be, probably, wanted there for such use. (See two circulars, M and N.)* In the first case, it has, from time to time, been applied to the payment of creditors, by drafts on the receivers or collectors; and in the last, the excess has been directed to be temporarily placed with banks not remotely situated, and in special deposite for safety, until wanted for expenditure elsewhere, or until some new legislation shall take place in relation to it.

Under these circumstances, the department would respectfully suggest some provisions which may be more specific, and may be required for the safe-keeping and disbursing of the public moneys.

In the present condition of the government and the country, two systems are proposed, either of which, it is believed, may be practicable and adequate to the exigencies of the crisis. One is, an enlargement and adaptation of the system partially employed since the suspension of specie payments, so as to make it answer all necessary purposes. This could be effected merely by assigning to our existing officers and establishments some additional duties.

The treasurer, at the seat of government,—the mint, with its branch at New Orleans, and another which has been contemplated, and is much needed at New York, for other purposes,—collectors of the customs, and receivers of money for the sales of land, as well as postmasters,—might all be directed to keep in safety, not only the public money collected by them, but all actually placed in their possession, by transfer or otherwise. As fiscal agents, they might also be required to pay over and transfer it for such public purposes as may be authorized by Congress, and under such regulations as the treasury department from time to time may prescribe. Indeed, the third section of the post-office law of 1825, with the bond taken under it as to the agency of the postmasters, is, perhaps, already sufficiently broad for that class of officers. At points like New York, and a few others, where a likelihood existed that the sums would permanently be large, but which, under a reduced revenue and expenditure, would seldom occur, authority might be given to appoint the clerks now acting as cashiers or tellers under the collectors and receivers, or other more suitable persons, to act as keepers and paymasters of the public money. But they should be made independent of the collectors and receivers, and placed under the like tenure of office, and under suitable bonds. Additional means of safety, and such additional but limited compensation to any of the above officers, might be provided, as the increased risk and labor might render just; but in only a few cases would these last be much augmented at any place.

Taking the year 1834 as furnishing a specimen sufficiently large of the probable business in future connected with the general operations of the treasury department, but, of course, not including the separate

* Printed with the Report, Sept. 5, 1837.

establishment of the post-office, the whole number of warrants issued in that year was a little under five thousand; and, though differing much in actual amount, averaging about five thousand dollars each. This would be less than twenty warrants a day, and hence would require less than one per day to be paid in each of the twenty-six States. They differed, in fact, from four per day in this district, and two per day in New York, which were the highest numbers, to only one per week in several of the States. (See Table P.)* The business at each office daily, or even weekly, in making payments of the drafts, would, therefore, be very little. If more than one draft issued on a warrant, the business would be increased in that proportion, unless the whole payments were reduced, as is probable, hereafter, to sixteen or seventeen millions yearly.

In regard to the risk, five millions in the treasury at any one time, if all placed in the hands of collectors and receivers, would not, on an average, exceed thirty thousand dollars with each of the present number.

But if the amount, besides one million in the mint, was chiefly in the hands of half the present number, which would approach nearer to the probable result, the sum with each would still be less than most of the existing bonds of receivers; and when exceeding theirs, or those of the principal collectors, the excess, in most cases, could be readily prevented, or reduced, by being drawn out to pay creditors, or be conveniently transferred to the treasurer of the United States, at the seat of government, or to the mint and its branches. Until one of the latter is authorized at New York, the substitute, before mentioned, of one of the present officers in the customs there as an independent keeper and paymaster of the public money, could be adopted, and, if deemed prudent, be extended to any other similar place.

In this mode, the present number of officers connected with the collection and disbursement of the revenue throughout the United States need not be at all increased. Nor will it become necessary, except in a few cases, to augment their compensation. Twenty or thirty thousand dollars a year would probably cover the whole additional expense of every kind.

The other system to which the attention and consideration of Congress are respectfully invited, is a new organization, by means of commissioners or receivers-general, to gather the collections to more central points, and keep and disburse there a large portion of the public money, or such as could not be kept safely and expended conveniently in the hands of the collecting officers. Such an organization might be at only three or four of the most important points; or it might be made more extensive, and the number enlarged to eight or ten. This could be arranged, in all essential particulars, substantially in the manner which is now in very successful practice in some of the most

* Printed with the Report, September 5, 1837.

enlightened and opulent governments of Europe, and as was urgently recommended by this department as early as 1790. (See extract O.)* The only material difference need be, to pay out more of the money near the places where it is collected, rather than first to transmit most of it to the seat of Government. This organization of fiscal agents would be advantageous as a separate establishment for this business alone, and as an independent check on most of those collecting the revenue. But it would require some addition to the present number of officers, and, in the first instance, would more increase the public expenses.

But the whole addition of principal officers need not exceed ten. Nor would the increased annual expense to the government probably amount to over fifty or sixty thousand dollars, as the system would enable both the war and navy departments to dispense with several of their agents for making local disbursements. The danger of any losses will be nearly the same under both plans. It is impossible to conduct the affairs of government, or the ordinary transactions of society, without trust and risk of some kind. But one great object, wherever pecuniary confidence is reposed, should always be to require the best safeguards which appear reasonable; and in either of these systems, as hereafter explained, the amount trusted can be more easily kept from becoming excessive, and the hazard of losses, affecting the deposite agent by his lending or trading, be fully obviated, by the strict prohibition of both the latter, under severe penalties.

Our direct losses from either collecting or deposite agents have always been comparatively small. Those by the former, it is believed, have not equalled those by the latter; though the latter, being banks, have usually in the end paid most of their deposites. The losses by the former are also supposed not to have exceeded one-fifth of those on the bonds of merchants for duties, and probably not one-eighth of those from the purchasers of public lands, under the credit system.

Occasional and strict examinations of the money on hand, where large in amount, would furnish a strong safeguard beyond the character of the officer, and the property of himself and sureties, and which it might be provided should be made by a committee of Congress, or in any other mode deemed most eligible to constitute an effectual check.

The plans which have been explained as to fiscal agents are suggested for consideration, under a belief that either is appropriate in the present posture of affairs; that they require but slight changes in our existing laws or usages; and, whatever objections can be adduced against them, will, at the same time, be found to possess many signal advantages.

They will not, so much as some other modes of keeping the public money, expose the treasury to disappointments and delays, through a dangerous partnership of interest, or the use of that money for private

* Printed with the Report, September 5, 1837.

or corporate purposes. As the vicissitudes of trade or speculation affect the persons who borrow from the public banking depositories, the evil consequences must sometimes inevitably reach and embarrass the treasury itself. Nor, on the other hand, will these modes, like our former one, cause frequent injury to those who, trading on the revenue of the government, are subject to be most pressed to refund it when least able. It is believed, likewise, that the funds of the treasury can be always more readily commanded in a legal currency, and the hopes of its creditors not defeated, nor its faith violated so often, if the money is not loaned out, either in full or in part, but, as in other countries, is retained in specie or its equivalent, and in the actual custody of officers exclusively fiscal. In other countries, the public money is believed to be seldom, if ever, chargeable to the treasurer, till it is either paid over on some draft, so that he can get credit for the payment (and which mode is practised somewhat in England, as well as here, and extensively in France), or lodged, not in deposit in any bank, but in his own possession at the seat of government. In the former mode, the systems now proposed, and especially the first one, would operate so as to disburse at each point most of the public money collected near, and would thus enable the treasury to command its resources with less delay; the money not being previously paid over at some distance, and to a separate set of agents, as has usually been the practice here in the use of banks; nor much of it transported inconveniently to the capital, as has usually been the practice elsewhere. This mode would thus possess one of the greatest excellences in any fiscal system; which is, to pay over quickest to the public creditor, and with the least official complexity, whatever is collected from the public debtor.

Besides these advantages, others would be, that the money in the treasury, under both of the plans submitted, can always be more easily kept down to moderate dimensions by reductions in the revenue, and by temporary investments of an occasional surplus, as there will be no antagonist interest connected with it, wishing for loans and the use of surpluses, and thus coöperating to prevent a reduction.

The existing establishments and officers, whenever convenient, would be employed without a double machinery, or the organization of a new system of agents. Executive control would be diminished rather than increased by them, because any additional officers will be selected, not by the President alone, nor the treasury department, as the banks now are, but virtually be designated by Congress, and the principal incumbents appointed by the consent of the Senate. They would also remove all ground for the objection sometimes urged against the former system, that the executive alone exercises an extensive patronage and great monied influence through a host of bank presidents, directors, and stockholders, scattered through every section of the country, and selected without the assent or check of either House of Congress in any particular case, and making loans of the public money from

considerations merely political or official. A very wide discretion will be thus restricted, and a prolific source of suspicion and imputation of favoritism and partiality be entirely stopped.

The officers, under the plans proposed, will likewise be amenable exclusively to the General Government, and not be embarrassed, like the officers of the banks, by conflicting duties and interests in respect to the States; nor involved in those collisions, jealousies, and recriminations, often attendant on that position.

The independent and harmonious action of each government in its appropriate sphere will thus be more fully secured. The local institutions, as a general principle, will be left to the care and uses of the several States which established them, without interference on the part of the General Government, and to be regulated or discontinued, as deemed most useful under their own State policies, and most conducive to the original purposes of their creation. Nor would any general monied corporation, aside from the grave doubts which exist as to both its constitutionality and general expediency, have been likely, in such a crisis as that of the war of 1812, or perhaps that of the last spring, to have proved a much safer public depository than those local institutions. Though more convenient in form for fiscal purposes than they, and free from some objections as to want of symmetry and accountability which obtain against them, yet, if chartered on usual principles, and judging from experience here as well as abroad, it must have failed, in a trial like those, to have sustained either our pecuniary operations or its own, in strict good faith and in due vigor.

Without entering into details to illustrate this position, it is necessary to notice only the single circumstance, that the Bank of England, during a severe war, suspended specie payments near a quarter of a century, and that neither of the two United States Banks existed so as to be obliged to encounter such a peril. But since the last Spring, the notes of the second one, to the amount of several millions, have been allowed to sink into the mass of irredeemable and depreciated paper, though issued under all the high securities and sanctions of a charter from the General Government, and with very large funds, still under the control of officers and trustees deemed by the stockholders exceedingly skilful, and bound by both law and contract to redeem those notes in specie, and on demand.

The systems which have been proposed in this report, if adopted, could not be expected to continue entirely exempt from losses by that unfaithfulness or casualty to which all trusts in human affairs are exposed. But they may be surrounded with strong safeguards, and would very probably soon be enabled to answer in a satisfactory manner every purpose of the government, in its condition so different in many respects from that which formerly existed, and which was the paramount cause urged for the incorporation of our two former United States Banks. Its finances are not now burdened with a national debt of from seventy to one hundred and thirty millions, and, besides

our ordinary expenses, with the annual payment, on account of principal and interest, of from ten to sixteen millions, to be first widely collected, and then transferred and disbursed at only a few points on the sea-board. It is now with a yearly revenue reduced from thirty and forty millions to near twenty, and probably soon to be only sixteen or seventeen, and with a course of expenditure which can readily be diminished so as not much, if any, to exceed the revenue in a natural state of business. In large sections of our country, and in such a state of business, this expenditure happens nearly and very conveniently to correspond in amount with the receipts in the same sections.

We are, likewise, reposing in peace, with very superior means of communication, whether by mail or personal intercourse, and with a greatly increased and increasing portion of gold in the currency, to render distant transfers and payments more easy. It is manifest, therefore, that our fiscal concerns will be greatly lessened in amount as well as difficulty, unless we shall be visited by wars or other scourges involving us in debts and embarrassments of an aggravated character, and which, fortunately, no sufficient reason appears for anticipating at an early day.

Under the proposed arrangements, the transfers from certain points could be often effected, when required by the department for public purposes, not only with ease, but so as greatly to facilitate the domestic exchanges, in the mode of employing drafts suggested in a subsequent portion of this report. In a more natural and ordinary state of receipts and expenditures, like that in 1834, the transfers required to a great distance would not exceed two or three millions during the year; and almost the whole of them were, at that time, in such a direction as to yield a profit, rather than be expensive to the banks which made them.

If the treasurer were required to receive payment in advance, at certain convenient points, for all lands sold, as has once been the construction of the act of 1820, the probability is, that very soon all the unfavorable transfers rendered necessary would become quite unimportant in amount, and less expensive than the transportation of specie and paper has been heretofore, from the distant land offices to the nearest deposite banks, before much of it was paid to the public creditors. It will be seen that, by these modes of keeping the public money, it would not be indispensable to employ any banks as a prescribed part of the system, although it might sometimes be convenient to use them as individuals do, and as subordinate fiscal officers often do, in other countries, for the deposit and transfer of large sums, and particularly for special deposites, when looking merely to safety and an early occasion to use the money.

No act of Congress, until the charter of the last Bank of the United States in 1816, required the public money in the treasury to be kept on deposit in any bank whatever. The whole subject was left to the discretion of this department. Even that charter permitted the Sec-

retary of the Treasury to remove the deposites from the Bank of the United States, when he thought proper.

In the supplemental report from this department, in 1834, on the keeping and disbursing of the public money, a state of things like the present was adverted to and considered. It was observed, in regard to such an occurrence, that it will then "become necessary to devolve these duties on some receiver or collector already in office, or on some safe agent not now in office, as has been the practice for years, in this country, in paying pensions at convenient places, near which there was no State bank or branch of the United States Bank, and as has long been the usage in some countries of Europe, by having the revenue in certain districts chiefly received, kept and transmitted, through private agents and brokers."

But it was added, that "though the fiscal operations of the government could, undoubtedly, still proceed through the personal agencies before mentioned," and without any banks, State or national, yet "it would be at some inconvenience and increase of expense, unless remedied in a manner that may hereafter be developed; and would not, in the opinion of this department, and in the present condition of things, be so eligible a system as the present one; because banks, though exposed to some dangers and evils, and though not believed to be necessary for the fiscal purposes of any government, and much less of one in the present happy financial situation of ours, are frankly acknowledged to be, in many respects, a class of agents economical, convenient, and useful."

LOSSES FROM BANKS AND BANK-PAPER.*

TREASURY DEPARTMENT, *February* 11, 1841.

SIR: The following report is submitted, in compliance with a resolution which passed the Senate on the 7th ultimo, in these words:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate, at as early a period as practicable, in a detailed and tabular form, all the information in the power of his department in answer to the following questions:

*Report made while Secretary of the Treasury, Feb. 12, 1841; showing, in compliance with a resolution of the Senate, the losses of the General Government, and by the people of the United States, from the use of banks and bank-paper.

"1. What amount has the Federal Government lost, from its organization to this time, by the employment of banks, by the use of bank-paper, or by its connection in anywise with banks, including the depreciation of bank-paper?

"2. What amount the people of the United States have lost, from the commencement of the government to this time, by the failure and the suspension of banks, and by the depreciation of bank-paper, by the loss and destruction of bank-notes, and by the existence of banks and the use of bank-paper generally.

"3. What have the people and government of the United States paid, directly and indirectly, to the aggregate banks of the United States, for the use of those institutions, annually, for the last ten years?

"4. What proportion of the stock of the several banks of the United States is at this time owned by foreigners?"

Several of these inquiries involve considerations which cannot easily be presented in the "detailed and tabular form" desired in the resolution. Again: many of them require explanations and limitations, or qualifications, that could not, amidst the pressure of numerous other engagements, and within the short period of a few weeks, be accurately prepared, even in the shape of notes to statistical statements. Most of them, also, are in themselves incapable of much certainty, and can only be approximated by a few ascertained data, and the best estimates formed upon them which the imperfect character of the materials that can be procured, and my own want of leisure, may warrant. But all the information in possession of the undersigned, bearing on the matter of the resolution, and susceptible of being brought into the form required by its provisions, will be submitted at this time, accompanied by such notes as seem to be necessary to prevent misapprehension, and give useful explanations as to the calculations. The rest must be left to future research and computation by others. The whole might fill volumes; since what is now presented, instead of exhausting the subject, is only enough to excite thinking and inquiry elsewhere.

As the data themselves, and the grounds or principles adopted in the estimates, are usually given, an opportunity will exist for others to judge of their approach to accuracy, and, so far as imperfect, to correct them, hereafter, on more certain information.

It is evident, by the language of the resolution, that, under the word "loss," or "lost," to the government and the people, are meant the gross losses, without computing or deducting any supposed benefits by the banking system. From this circumstance, and the fact that any such benefits are not required to be computed, they are not investigated and reported on under any of the different heads of inquiry. It is further manifest, from the same circumstances, that, by the word "loss," or "lost," are meant to be embraced those losses sustained by any portion of the people, without deducting the unusual gains made at the same time by the directors and other persons immediately connected with banks, or by brokers and speculators. The computations are, therefore, founded on that hypothesis.

Table A contains the answer to the first inquiry, which is in these

words: "What amount has the Federal Government lost, from its organization to this time, by the employment of banks, by the use of bank-paper, or by its connection in anywise with banks, including the depreciation of bank paper?" It presents the losses under this head as follows:

From the employment of banks as public depositories, previous to 1837, and since 1837, separately;

From their notes taken and not redeemed previous to 1837, and since; and

From depreciation on their notes taken between 1814 and 1817, inclusive, and since.

It then gives the computed interest on the whole, and the aggregate.

Various other considerations, as to indirect losses from the connection of the government with banks, could be suggested under this inquiry; but as the results would not depend on actual returns, but be very hypothetical, they are omitted, except an allusion to some of them in a note to this table.

Indeed, I do not propose to embody in this report any of the results computed in any of the tables.

They are subject to so many limitations and contingencies, requiring explanation, that it seems more proper to consider them merely in connection with the notes furnishing the explanation.

Tables B 1 to B 5 exhibit data in reply to the second inquiry, which is: "What amount the people of the United States have lost, from the commencement of the government to this time, by the failure and suspension of banks, and by the depreciation of bank-paper, by the loss and destruction of bank-notes, and by the existence of banks and the use of bank-paper generally."

B 1 contains the number of banks in the United States that failed between 1789 and 1841, so far as the same can be ascertained and estimated, with the amount of their capital.

There is added to them such portion of the banks now suspended as are expected never to resume again.

B 2 contains the losses to the community by the failures before mentioned, as computed on their capital, circulation, deposites, and balances owing.

B 3 contains the losses to the people, computed on "the depreciation of bank-paper," in the case of banks that have suspended specie payments, but are not entirely failed or broken; and the loss, by such depreciation, on deposites and balances in those banks.

B 4 contains the estimated "losses and destruction of bank-notes" by accidents, &c.

B 5 exhibits an aggregate of the losses computed under the whole of the second head of inquiry.

Besides those specified in the former tables, many indirect and several general injuries have occurred from "the existence of banks,"

such as counterfeit notes; increased interest paid for loans; premiums to brokers for exchange of bank-paper; expansions and contractions of issues, leading to ruinous fluctuations in prices, augmented expenditures in living, sacrifices of property, &c. &c. Most of them are adverted to in this table and the notes, but are often too conjectural in their amount to be reduced to any tabular data, and are sometimes mixed with benefits that have, in part, counterbalanced them, though not easily to be computed in figures.

Table C contains data in answer to the third inquiry: "What have the people and government of the United States paid, directly and indirectly, to the aggregate banks of the United States, for the use of those institutions, annually, for the last ten years?"

It first presents the average amount of capital and discounts of all the banks in the United States during the last ten years, and the amount of their estimated gross annual income during that period. It then computes such part as may be considered more than six per cent. on their capital; and, also, more than that and their reasonable expenses.

These furnish almost the only tangible data for ascertaining what seems to be desired under this head.

I have merely added some computations of a part of the cost of the present banking system to the community "during the last ten years," caused by various losses incident to its operations, as explained in Table B 5.

Table D contains a reply to the fourth and last inquiry: "What proportion of the stock of the several banks of the United States is, at this time, owned by foreigners?"

It gives all the facts in possession of the department bearing on this point, with estimates thereon; which, though formed on data somewhat imperfect, are probably near the truth.

Table E is a statement on the amount of currency in, or circulation of, bank-notes and specie in this and other countries, at different periods. It was originally published by Congress, from a report of this department made by the undersigned in December, 1834. It has been revised, and some addition of other facts, since procured, are presented, both in the body of the table and in the notes annexed. This is done, because its contents are referred to so frequently for some of the data on which parts of the computations in the preceding tables are grounded.

Respectfully,

LEVI WOODBURY,

Secretary of the Treasury.

To the President of the
Senate of the United States.

A.

Losses sustained by the Federal Government, by the Employment of Banks and Bank-paper, before the Year 1837, *and since.*

Loss estimated by the treasury department on the depreciation of bank-notes received prior to 1837,	*c*$5,500,000
Loss appearing on the books of the treasury by banks as depositories prior to 1837, about . . .	900,000
Loss estimated by using banks as depositories since the year 1837, ...	*a*100,000
Loss estimated on bank-notes taken and not redeemed prior to 1837, ...	80,000
Loss estimated on bank-notes taken and not redeemed since 1837, ...	*b*40,000
Aggregate, ...	6,620,000
Computed interest on the aggregate, ...	8,872,000
Total principal and interest, ...	15,492,000

a This is an estimated loss upon nearly $400,000 due by the late deposite banks to the treasurer and disbursing agents. This, it is hoped, will prove more than the final loss on the books of the department.

b This is an estimate upon about $100,000 of bank-notes in the possession of the government, or belonging to it, though the loss on them may turn out to be less.

c Estimated, by Mr. Gallatin, at more than *four millions.* (See "Considerations on the Currency and Banking System," p. 51.) My computation was made a few years ago, and founded only on the discount or depreciation of the bank-notes once and at first received for duties, lands, and loans; and it may be too small for all kinds of losses under this head, as it differs so much from the estimate made by the Committee of Ways and Means (House of Representatives) in 1830. Considering that the prices paid for provisions, services, &c., were also much higher during the suspension, the committee are likely to be more near the truth regarding the *indirect* losses, if not the direct ones.

Loss estimated by that committee, on the depreciation of bank-notes received prior to 1817, $34,000,000. (See Report of the Committee of Ways and Means, House of Representatives, April 13, 1830, explanatory of this.) In this aspect of losses, the committee are supposed to take into consideration the facts, that, after August, 1814, loans were made to the government in irredeemable paper, at a high premium, and which loans were finally discharged in specie, or its equivalent. For example: One hundred dollars in specie, or its equivalent, were used in 1824 in redeeming a certificate of stock issued in 1814 for $100, and for which only $88 had been received by the government; and that in bank-notes, at a discount then of seven to twelve per cent. compared with specie.

B 1.

Number and Capital of Banks which have failed in the United States since 1789.

1. From 1789 to 1811:

Ascertained and estimated at twenty in number, and a capital averaging each $150,000.

This would make the capital of all failing between 1789 and 1811 . . . . . $3,000,000

2. From 1811 to 1830:

Ascertained and estimated at 195 in all, viz.:

Ascertained by Mr. Gallatin, in his Considerations on Banks, 165.

Capital of 129 known, ... $24,247,309

Capital of 36 not known, and estimated by me in nearly a like ratio, at $190,000 each, ... 6,840,000

[Capitals of both estimated by Mr. Gallatin at near $30,000,000. (Considerations on Banks, p. 50.)]

Computed to have been unknown to Mr. Gallatin, 30 banks with like capital, ... 5,700,000

[See Gouge on Banking, p. 224, part 2d, first edition, where it is stated that 28 more had been ascertained than were in Mr. Gallatin's list.]

Whole capital of banks failing between 1811 and 1830, 36,787,309

3. From 1830 to 1841:

The banks considered to be already broken, or failed entirely, since 1830, are supposed to have been about 150; of which 140 have been ascertained. The average capital must be at least $300,000 each. This would make the capital of the 150 equal to . . $45,000,000

[The capital is estimated higher, on the average, than in those failing before 1830, as greater capitals have been more common since; and the capitals of all the banks in the Union are, at this time, known to be, on an average, rather larger than this estimate, or near $400,000 each. They are the smallest in New England, where the failures have been fewest.]

4. It is apprehended that several banks, which are now suspended, over the southern and western parts of the United States, and particularly in Mississippi and Michigan, will prove, in the end, to have failed entirely, and will therefore never resume. Their

number is computed to be at least 30, and their capital must be $400,000 each (the average in the Union), as some have a very large capital, especially in Mississippi. This would make . . . $12,000,000

[I should not be surprised if the result hereafter shows the number and the amount of the capital of the banks now suspended, which have failed entirely and will never resume, to be larger. The above computation does not include the Bank of the United States, which, while this report was preparing, has suspended specie payments a third time, viz., on the 4th of February, having resumed on the 15th of January, 1841, after its second suspension, October 8, 1839. Its first suspension was May 15, 1837. If the present one is to be regarded as a failure, as many fear (its stock having been quoted as low in New York as 26 on the hundred), an addition of $35,000,000 will have to be made to the capital of the banks that have failed.

Several other banks in Pennsylvania, Delaware, and Maryland, have suspended a third time, since the 4th instant, and consequent upon the stoppage of the United States Bank on that day; but whether any ultimate loss is likely to be sustained by any of them, as having failed entirely, cannot yet be ascertained.]

Summary.

5. Capital of 20 banks, failing before 1811, . .	$3,000,000
Capital of 195 banks, failing between 1811 and 1830, ...	36,787,309
Capital of the 150 banks, of which 140 are ascertained to have failed between 1830 and 1841, .	45,000,000
Capital of 30 banks now suspended, which have probably failed, ...	12,000,000
Whole number 395, and their whole capital, . .	$96,787,309

[This number of 395 banks, computed to have failed in fifty years, may seem high; but it is not so large as in England, where, notwithstanding any favorable influence of a national bank existing near a century and a half, it has happened that from 1793 to 1826,—a period of only thirty-four years,—381 failures of banks have occurred, on which bankrupt commissions were taken out. Near four times as many more, it is said, failed within that time and compromised. (Tucker on Money, p. 252.)

McCulloch's Dictionary, p. 95, says, "Some bankrupt concerns were arranged without a commission;" but I think he does not give the number.

It will be remembered that, in all these calculations, the number of banks in the United States is computed as the number of banks and branches, each of the latter being added as one.]

B 2.

Losses by the Banks which have failed since 1789, *computed on their Capital, Circulation, Deposites, and Balances owing.*

1. The whole capital of the banks that have failed since 1789 being ascertained and estimated (as in B 1) at $96,787,309, the loss of the whole of it, on an average, in one-half of the cases, is deemed probable.

[See what is considered capital, Table C 1.]

Then it would on them amount to	$48,393,654
In the other cases, the loss is computed, on an average, to extend to only half the capital, or . . .	24,196,827
This would make the aggregate loss on the capital .	$72,590,481

[See Gallatin on Banking and Currency, page 50, as to the uncertainty on this subject. The recent suspension, on the 4th of February, 1841, before referred to (Table B 1), may require a large addition to the amount of capital in banks that have failed. But, on the contrary, so much of this last capital is owned abroad (see Table D) that the loss to our own people will not be greatly enhanced thereby.]

2. The circulation out, when these banks failed, being usually large in banks of that character, must be estimated at an amount equal, at least, to half of their capital, ...	$48,393,654

[In 1838, in eight States, the circulation equalled half the amount of the capital of all their banks. (See Bank Report from the treasury department for that year.)]

The estimated loss on the circulation is put at only half as much, in proportion, as on the capital; because, if means exist, the circulation must be paid before any part of the capital.

Thus, instead of three-fourths of the whole circulation being lost, estimate only three-eighths of it; making the whole loss on circulation	$18,147,620

[Probably the people at large lose quite half on this circulation, though the brokers may not lose over three-eighths.]

3. All deposites and bank balances owing by broken banks are estimated at half the amount of capital, as insolvent banks owe largely, in most cases. Both the balances and deposites, together, are considered equal in amount to the circulation, and the loss on them would be, at nearly the same rate, . .	18,147,620

[In 1837, in nine States, the circulation and deposites, without including the balances, appear, from actual returns, to have amounted to as much as the capital. (See Treasury Bank Report for that year.) Perhaps some would think the bank balances should not be included, because due to other banks; but this point is not certain, and they are not large.]

The whole loss by bank failures would then be . $108,885,721

For example:

Loss on capital, . . .	$72,590,481	
Loss on circulation, . . .	18,147,620	
Loss on deposites and balances to banks,	18,147,620	
		$108,885,721

[Among the banks that have failed, the part of their capital owned abroad has not been large, if the last suspension of the United States Bank be not regarded as a failure. Very little deduction, therefore, should be made on the whole computed loss to our own people, on that account. (See Table D.) But it might require something.]

B 3.

Losses by the Community, through Depreciation of Bank-paper, in Cases of Suspension of Specie Payments.

1. The first general suspension of specie payments by the banks in the United States commenced in August, 1814, and continued till 1817, in some places, and years longer in others, as well as extended over most of the country, except the principal part of New England.

The whole paper circulation out in 1814, whether active or in other banks, was about $75,000,000

[See table of circulation, E.]

The portion of it issued by the banks that suspended was about $50,000,000

On this, the depreciation varying in different parts of the country from ten to twenty per cent., the average was about fifteen per cent.; making a loss, at first, to those then holding the notes, equal to . . . $7,500,000

[See, on the amount of depreciation, Gallatin on Currency, in Appendix, and Treasury tables on exchanges and price of bank-notes; Gouge on Banking, part 2d, p.

65. In England, after 1809, the depreciation fell to fifteen per cent. Lowe on State of England, pp. 112, 113.]

[Some may think the estimated loss, at first, of fifteen per cent. on the notes out, too high on another account, because debtors often pay them away at par. But, if this be done on an old debt, the creditor loses the depreciation: so if it be for a salary, for rent, an annuity, &c. But if the notes are paid at par, on a new debt or purchase, the price of the articles sold, or of the services performed, for the new debt, is charged as much higher, in most cases, as the depreciation on the notes. (See Gouge on Banking, part 1, p. 60; Report on Charter of Bank of England, 1832, pp. 463–465; Raguet on Currency, pp. 162, 163; McCulloch's Dictionary, page 95, "great injury to creditors and the public.")]

During the three years, this whole currency must have been used at least twice more by persons at a similar loss, without being able to adapt contracts, prices, wages, &c., to its depreciated value, making . 15,000,000

[The same money changes hands very often, and, in sea-ports, it is computed to occur once in every two days. (Lowe on State of England, 15, Appendix.)]

Whole loss from 1814 to 1817, . $22,500,000

2. At the suspension of 1837, the whole circulation out was about $150,000,000

On this, the first loss, at nearly a similar per cent., would be $22,000,000

[See Raguet on Currency, p. 162, &c.; table of exchange and prices of bank-notes by treasury department.]

Computing only one more use of it at a loss, within the shorter period of a year to a year and a half, on the ground above stated, it would be . . . 22,000,000

Whole loss from 1837 to 1838, . $44,000,000

3. At the suspension in 1839, limited to the country south and west of New York, the circulation out in that part was about $75,000,000

[See same Table E, and Treasury Bank Report for 1839.]

The loss, at the same average per cent., at first, was $11,250,000
Computing one more loss, within the year and one-fourth already expired, that would be 11,250,000

Whole loss from 1839 to 1841, ... $22,500,000

4. To this may properly be added a considerable sum for the depreciation at other times on the paper of several detached banks, which have suspended specie payments, and afterwards resumed, in different States and districts of the Union. For this an estimate is made of only $50,000 annually, on an average, during the whole period from 1790 to 1805; $150,000 annually, from 1805 to 1820, being in the east great in the first six, and in the west in the last three years of the time, and the same annually since; being large in the west and south-west in the first five years of the time, and small in the next ten, but greater since. The aggregate on this amount would be . . $6,000,000

This would make the whole loss to the community, by the depreciation only on the notes of suspended banks out at the time they stopped paying specie, . $95,000,000

[The losses on bank-notes where the banks have entirely failed, and never resumed specie payments, are not included here, but are computed in Table B 2.]

5. The losses on deposites and bank balances, occurring during the above period, are not specifically called for; but they are large, and arise from the depreciation on the notes taken for them during a suspension of specie payments, and hence they properly come under this head. They must be as much per dollar on all actually paid over in notes during the suspension as on the bank-paper at first in circulation. The whole amount of such deposites and balances must have equalled very nearly the amount of bank-paper at first abroad, when the suspension happened. (See B 2, head 3d.)

Supposing that one-half of them only were drawn out while the bank-paper was depreciated (which is a moderate computation), and that they were drawn out in such paper; the aggregate loss on them must have been 47,500,000

The aggregate of these losses by depreciation on the notes out, where suspension of specie payments have happened with banks since 1789, and on the notes

taken for balances and deposites during those suspensions, is thus computed at 142,500,000

6. But it may be considered a set-off, or proper deduction from the above losses by depreciation on notes, that when the banks are preparing to resume, and do resume, the notes rise gradually in the market to a value at par with specie, and that, by this, some portions of the community gain an amount equal to the original depreciation or loss per dollar; as more merchandise or produce can usually be bought with the notes, or more debts paid with them to creditors who insisted on specie or its equivalent. This is true, frequently. But, as the same persons who held the notes when the banks suspended, or when paid out for deposites and balances, seldom retain them till the banks resume, and the original holder often suffers as much as if the banks did not resume, — and as the amount of notes out when they rise in value, and the banks resume, is usually much reduced, — the deduction on this account to the people at large should not be over one-third of the estimate of the former losses. Thus, from 1815 to 1819, the circulation out was reduced nearly one-third; and from 1837 to 1838–39, nearly one-third. (See Table E, and Treasury Bank Report for 1838–39.) Supposing, then, that only two-thirds as many notes remained abroad when the banks resumed as were out when the banks suspended, and that half of this was in the hands of original holders then, or during the rise, and the deduction should be equal to 47,500,000

[This includes an early resumption by all the banks now suspended, and makes a liberal allowance for the whole rise or benefit by that.]

7. This would leave a net loss to the community of depreciated paper, in cases of suspension by banks since 1789, equal to $95,000,000

[Before these tables were completed, only a portion of the banks that suspended in 1839 resumed, and several of those which resumed suspended again after a few days. Deducting from the set-off a proper sum for those banks which have not resumed, and adding enough for this third suspension, and the aggregate loss should probably be several millions more.]

[There is another injury to the public, of a pecuniary character, during any long suspension of banks, such as from 1814 to 1817. It arises from an expansion of the circulation, the check of paying specie

being removed; and from a nominal rise of prices, and an increased expense to all living on fixed salaries, rents, annuities, &c., without any equivalent in return. (See Raguet on Currency, 160th page, on this, and other evils from this cause, which cannot be computed in any tabular form with accuracy.) They may and will be more properly considered further under Table B 5, and its notes.]

B 4.

Loss or Destruction of Bank-notes since 1789, *by Accidents, &c.*

1. In 1811, the whole amount of bank-notes out was about $36,000,000

[See Table of circulation and currency, E.]

But the average amount, during the previous period since 1789, had probably not exceeded two-thirds of this sum, or $24,000,000

The loss on that, estimated at four per cent., would be $960,000

[Where banks issue no notes under ten dollars, it is believed that, on their average circulation during twenty years, the loss or destruction of notes may fairly be computed at about three per cent.

The first United States Bank issued no notes under ten dollars; and at the close of its charter, in 1811, the circulation outstanding was $6,552,791,—probably not far from the average since 1791. Of that amount there remained unredeemed in 1822 (doubtless mostly lost) $203,591, or three and one-tenth per cent. (See report below.)

The second Bank of the United States issued notes of a similar denomination, with some five-dollar checks or drafts after 1825; and the commissioners to adjust its affairs with the government estimated the loss at $600,000, or three per cent. on its circulation. (See their report to the Secretary of the Treasury, p. 14, Doc. 118 House of Reps., Jan. 30, 1837.)

Few banks in the United States issued notes under five dollars before 1811, except in New England (Raguet on Currency, p. 137); but most of them issued notes under ten dollars; and the amount of five-dollar notes, when issued, usually equals one-fourth of the whole circulation; and those under five, one-fourth more. Add for these two causes before 1811 only one per cent., making an average loss of four per cent., and the result would be as before computed.]

2. Since 1811 it is believed that quite three-fourths of the banks have issued notes under five dollars; and most of them, with the exception before named, as low as five. The loss, in cases of issues

under five dollars, is often computed at ten per cent. on the whole. But considering it to be only six per cent., or double the amount it is when the issues are not under ten dollars, and the result will be as follows:

In 1830 the whole bank circulation out was, by the smallest estimate (see Table E), ...	$64,000,000
Compute, as before, that this had been, during the nineteen or twenty years previous, on an average, two-thirds as much, or	$42,666,666
The loss on one-fourth of this, at four per cent., would be	$426,666
On the other three-fourths, at six per cent., . .	1,920,000
Aggregate from 1811 to 1830, ...	$2,346,666
3. In 1840 the whole bank circulation out was not far from	$106,000,000
[See Treasury Bank Report, and Table E.]	
As this period is only half as long, the loss, at half the former rates, on two-thirds of this (the average amount during the ten years), would be . . .	$3,814,666

Summary of these Losses.

Before 1811, ...	$960,000
From 1811 to 1830, ...	2,346,666
From 1830 to 1840, ...	3,814,666
	$7,121,332

[If it be computed that this loss by paper is quite double the loss which would have been sustained on a like amount of coin in circulation,—as the latter is more durable, not much injured by fires, and in general guarded with more care,—and the greater loss to the community, by the destruction of bank-notes, would probably be about $3,560,666.

On the other hand, the advantages in the use of paper, by cheapness and ease of transportation, and the saving of metal from wear, are considerable; but, being not included in the resolution, are consequently, as before suggested, not attempted to be computed here, or in the other tables.]

B 5.

Aggregate of Losses since 1789, *to the People, through the Existence of Banks and the Use of Bank-paper.*

1. Losses through banks that have failed since 1789, on their capital, circulation, deposites, and bank balances (see Table B 2), ... $108,885,721

2. Losses by depreciation on bank-notes, through suspensions of specie payments by banks (see B 3), . $95,000,000

[See note to seventh head of B 3, from which it is probable that these two items should be increased, by events within a few days, at least several millions.]

3. Losses by destruction of bank-notes, which some may think should be added, but which in its full extent is doubtful (see B 4), ... $7,121,332

4. The losses on counterfeit notes are not specifically called for in the resolution. But, to the extent that they are greater than the losses by counterfeit coin, they are an incident to "the existence of banks and the use of bank-paper," and should therefore be included. They have been large, and it is believed quite double those on coin in circulation, in a ratio to the amount of each. Sufficient data on this point are not possessed to justify any very accurate tabular statement as to the amount; but, on the above basis, the losses by counterfeit notes, more than on coin, are computed to have been $4,444,444

[In 1839, it seems that Bicknell had ascertained that counterfeit notes were then in circulation on two hundred and fifty-four different banks, and of thirteen hundred and ninety-five different descriptions, from denominations of one to five hundred dollars. (See Raguet on Currency and Banking, p. 174.) In England, the losses by forgeries of bank-paper have probably not been so large, in proportion, as in this country; as the notes which circulate there are of larger denominations, and are in the hands of the more intelligent portions of the community. The same note, it is believed, is issued only once there, which would be a check on forgery. The Bank of England, for four or five years, ascertained not over $15,000 yearly of its notes that had been forged. (See report of committee on renewing its charter in 1832; Appendix, p. 55.) Probably many more counterfeits were in circulation, that did not come to the knowledge of the bank; suppose a like sum, making $30,000 of the Bank of England. Suppose

that a like sum was lost there yearly, by forgeries of notes of private and joint-stock banks, which would make in England an aggregate of $60,000 yearly. In the United States, smaller notes being so much more used, and especially by the less informed, the latter are much more defrauded by counterfeits than in England. Suppose it to be quite three times more; and hence that the average loss here, by counterfeit notes, has always been as much as one cent per head yearly to our population. Some estimate it as high as half a dollar per head. But, at that rate, the result would be enormous. Thus, supposing that half a dollar per head of our population has been lost yearly by counterfeits of bank-paper, and that only *one-fourth* of a dollar would have been lost by a currency of coin to the same amount, and the result of the mere excess of loss by bank-paper would be this:

From 1790 to 1810:	
(The average population is presumed to be that of 1800.)	
From 1790 to 1810, yearly, at one-fourth of a dollar, $1,326,487; for twenty years, . . .	$26,529,740
From 1810 to 1830:	
The average population as 1820, at one-fourth of a dollar, $2,409,533 yearly, and for twenty years, .	48,190,660
From 1830 to 1840:	
The average population at fifteen millions, at one-fourth of a dollar, $3,750,000 yearly, and for ten years, .	37,500,000
Aggregate loss since 1789, by counterfeits of bank-notes, beyond what would have been the loss on so much coin, at one-fourth of a dollar per head, .	$112,220,400

But, at only one cent per head (which is probably within the truth, as it would be, on an average of ten persons, a loss of only one dollar in ten years), the result would be one-twenty-fifth of the above aggregate since 1789, or $4,444,444.

5. As this branch of the resolution is very comprehensive, and calls for all lost "by the existence of banks, and the use of banking institutions generally," as well as for specific losses, from certain causes particularly designated, it will be necessary to proceed further, and consider the other injuries that are supposed to have resulted from the existence of those institutions.

The rate of interest in the money market is believed to have been enhanced by the use or existence of banks, and in that way loss may have been sustained, or increased payments made, on account of the system; and also from the premium almost uniformly charged by brokers for exchanging uncurrent notes of distant banks that still pay specie. (Gouge on Banking, p. 90.) Banks, as chartered and managed usually in this country, have led to still greater losses, which it would be even more difficult to estimate in anything like accurate amounts; but which arise from the improvident engagements and

enterprises into which individual States and corporations are tempted in this system of banking, by the facility not only of creating bank capital by promissory notes, but the measure of value at pleasure by bank notes. (Gouge on Banking, pp. 89, 90, and 39.) Prices are raised at will, by suddenly making currency plentiful. Thousands, seeing the enhancement, purchase property, under the assurance of enriching themselves by higher prices, and increase their current expenses into wasteful extravagance. (Tucker on Banking, p. 189.) All at once the flood recedes. Engagements cannot be met, but by sacrifices, which not only take away all the profits, but the property previously acquired. Schemes of relief succeed, tenfold more destructive than the original schemes. Prices of real estate are to be sustained by improvements made by States or corporations, in roads, canals, &c., often without any real advantage but to the speculative holder of property, and often with a total loss of the money expended by the public. Elections are made to turn upon relief questions. Finally, it sometimes becomes a contest between the ruined and the solvent portions of the community, in which the most desperate are the most likely to prevail.

Two or three of the above general items of loss have alone been computed to be annually quite $7,500,000. (See Raguet on Currency, page 174.) The above sum, on an average for only twenty years of the period since 1789, and nothing for the other thirty, would equal $150,000,000

If all the items were included, and could be reduced to figures, the amount would be almost incredible.

While the present banking system exists, allowing so extensively banks of issue, it will continue to happen, as has been the case heretofore, that fictitious banks and their paper will be got up, without any charters whatever; and the community at a distance be thus frequently swindled out of large sums, whose amount it is difficult to compute. So all the frauds, robberies, and defalcations, connected with the banks, and for which banks give peculiar facilities, may, in a great degree, be proper charges on the system.

Summary.

1. Losses by bank failures, ...	$108,885,721
2. Losses by suspensions of specie payments by banks, and consequent depreciation on their notes, .	95,000,000
3. Losses by destruction of bank-notes by accidents,	7,121,332
4. Losses by counterfeit bank-notes, beyond losses by coin,	4,444,444
5. Losses by fluctuations in bank currency affecting prices, extravagance in living, sacrifices of property, and by only a part of the other incidents to the banking system, not computed above, at least	150,000,000
Aggregate computed, ...	$365,451,497

C.

Amount paid by the Community to the Banks, annually, the last Ten Years, for the use of Banking Institutions.

1. The resolution calls for the sums thus paid, whether "directly or indirectly," and whether by "the people or the government."

It may be, therefore, that the amount collected by banks from the community, annually, for interest, exchanges, rents, &c., ought, in the opinion of many, to be considered as what is paid to them "for the use of banking institutions." Consequently, an attempt has been made, first, to form some estimate of this amount, which shall approximate the truth.

The result has been, that the whole payments made to the banks for the use of them, their capital, &c., during the last ten years, has been in the aggregate $282,000,000

This would be annually, on an average, . . $28,200,000

To explain the amount thus received by banks annually, during the last ten years, the following data are submitted:

The aggregate capital and discounts of all banks in the United States, during that period, so far as can be ascertained from the treasury reports on banks, and some estimates, have been as follows:

	Aggregate capital.	Aggregate discounts or loans.
In 1831	Not ascertained	Not ascertained
In 1832	Do.	Do.
In 1833	Do.	Do.
In 1834	$200,005,944	$324,119,499
In 1835	231,250,337	365,163,834
In 1836	251,875,292	457,506,080
In 1837	290,772,091	525,115,702
In 1838	317,636,778	485,631,687
In 1839	327,132,512	492,278,015
In 1840	358,442,692	462,896,523

[In 1830, $145,192,268 as *capital*, and $200,451,214 as discounts or loans, have been ascertained and computed by Mr. Gallatin, in his Considerations on the Currency.]

[The above amounts stated as the *capital* employed in banking require some explanation. It has been the practice, in most parts of the country, to put banks into operation chiefly upon the stock-notes of the proprietors. By the reports of the Legislature of Massachusetts, in 1838, it appears that many of the banks in that State, which are generally as safe as any in the Union, have been put into operation upon the naked promissory notes of the stockholders, with little actual capital, excepting that which has accumulated from the operations of the banks. These promissory notes are the principal basis of the paper currency issued in the first instance. If confidence should hap-

pen to be buoyant for a succession of years, the interest on this currency, paid in advance, compounded as it always is at short periods, soon enables the stock-notes to be withdrawn, without the application of any capital whatever, by the original stockholders. On the other hand, should a previous general inflation give rise to a demand for specie for exportation, in the early stages of any new bank, or where the stockholders have applied the dividends to other purposes, it explodes, and the community generally lose the greater part of the circulation out at the time. (See Raguet on Currency and Banking, p. 115; Tucker on Money, p. 409; Gouge on Banking, part 1st, p. 137.)

But in these tables I am compelled to make the computation as to capital as if it was all real and paid in (so far as returned paid in), on account of the difficulty in discriminating the amount that is factitious from what is not so. But I do not consider anything as capital which is merely authorized, and not returned as paid in.]

Estimated average bank capital, yearly, from 1830 to 1840, ... $235,000,000

Estimated average discounts or loans, yearly, from 1830 to 1840, ... $370,000,000

The loans have, in some years, been nearly double the amount of the nominal capital in the whole Union. Thus, in 1838, they were one hundred and eighty per cent. on it, and in ten States exceeded two hundred per cent. In scarcely any State is it believed that they are, by law, limited below that rate, and sometimes they are limited in their charters at only three times the amount of capital. (Gouge on Banking, part 1st, page 51.)

As the income or gross profits are derived, not only from loans of the capital, deposites, and circulation, over and above the specie on hand, but from exchanges, and a larger interest than six per cent. in all cases, by the mode of computing and paying it (and, in several States, from seven to nine per cent. permitted by law), it is supposed that the annual gross income must average twelve per cent. on the capital. This would be, as before stated, in the last ten years, annually, ... $28,200,000

Or, for the whole period, ... 282,000,000

2. But it might be proper to regard as paid to banks, for the use of banking institutions, not the whole of their gross revenue, but only the net income collected by banks over six per cent. on their capital. The six per cent. interest on the capital may be considered as paid for the use of money they originally possessed, rather than for the use of banking institutions. The aggregate paid them for the latter alone, for the ten years, would, on this hypothesis, be but half the former amount, or $141,000,000

And the sum annually but 14,100,000

Again: if the expenses of managing the actual capital were also

deducted, besides six per cent. interest on it (which some might expect, but which is hardly deemed proper in the present calculations, as the expenses are an incident to the use of banking institutions), the result would be as follows:

It is computed that, on an average, in the United States, two per cent. on the capital will pay all necessary expenses. (Tucker on Money, &c., pp. 172, 369.) The expenses of the second United States Bank were only one per cent. on its capital; the latter was so large. One per cent. is enough, if the capital be a million only (Raguet on Currency, p. 89); or, indeed, if only $250,000 (p. 72). This would leave four per cent. net receipts beyond the reasonable expenses, and six per cent. on the capital, or yearly $9,400,000

During the ten years it would amount to . . 94,000,000

[If only five per cent. was deemed a fair interest, as some seem to suppose (Raguet on Currency, p. 170), the net income would be, of course, higher. The first United States Bank made, besides expenses and six per cent. on its capital, two and two-thirds per cent. net profits. (Tucker on Money and Banking, p. 360.) It sometimes divided ten per cent., and never less than seven and a half per cent. (Seybert, 520; Gouge on Banking, part 2d, p. 51, note.) Had it dealt in exchanges, which was not the case, to any great extent, and charged more than six per cent. interest, the profits would probably have been much larger. But Mr. Raguet thinks that if the delay in receiving back the capital is considered, the profits (2d vol. of his Exam., p. 78) were not more than par. In the Merchants' Magazine for June, 1840, it is stated that banks often make ten per cent. profits on their capital. (See, also, Raguet on Currency, p. 171; and Tucker on Money, pp. 175–7, on this subject; Gouge on Banking, p. 88.)

But a considerable portion of the capital, as before explained, is frequently not paid in, which would greatly increase the profits in such cases. (Raguet on Currency, p. 115; Gouge on Banking, pp. 155, 88, 137, part 2d, p. 57; Tucker, pp. 365–9.) And the net gain, annually, has sometimes been computed higher than four per cent. on the nominal capital, or a gross income on it of ten per cent. (Tucker on Money, pp. 263, 264; Gouge on Banking, 1st part, p. 70.) On the other hand, Mr. Gallatin appears to consider it as usually less, though he adds nothing for profits on exchanges, or for a higher interest than six per cent. So the average dividends indicate a less gain, as they do not equal in the United States over nine per cent. (See Treasury Bank Reports; and Tucker, p. 411.) But it must be remembered that they sometimes reach twelve and fifteen per cent. (Gouge on Banking, part 2d, p. 51, note.) And, besides the dividends made, something is often reserved from the profits, and kept on hand, and small individual balances and some dividends are never claimed, and thus, in the end, increase the gains of the bank.

The amount collected from the community would, also, often yield a larger dividend, if the salaries to officers, who are frequently stock-

holders or relatives, were not too high, and much lost by imprudent loans to some of the officers and stockholders. It is an evidence of the uncertainty of computations on this subject, that Raguet and Tucker differ nearly forty millions as to the amount on which banks gain, or receive an interest beyond their capital. (Tucker, p. 175; Raguet, p. 171.)]

3. In conclusion, it may be proper to add, that if we regard the amount collected from the community by the banks to be nearly what I have computed it, and also regard the whole, beyond interest on their capital, or beyond that and fair expenses, to be the amount paid to the banks for the use of banking institutions, it is not material to the inquiry what may be afterwards done with the money. Nor may it be proper to regard it at all as an actual loss or injury to the community; because the borrower obtains, in the shape of notes, the use of the bank credit, or its guaranty for the whole, instead of specie. Indeed, it is considered by some as the great advantage of banks, that this credit can be loaned out as a substitute for actual capital and coin. (Raguet, p. 168; Tucker on Money, p. 175; McCulloch's Dictionary, p. 65.) But one evil in this is, that the banks are enabled to loan their credit or guaranty, and to profit by them, through privileges of this and other kinds, in which all the community do not participate. One of the other privileges, sometimes, is an almost exclusive system of loans to the stockholders, officers, and their friends. (Gouge on Banking, p. 89; ib., part 2, p. 52.) Another great evil is, that this is done through a system of banking which leads to losses; such as depreciation on the notes, total failure of banks, fluctuation in prices, &c. &c., that injure the people at large in the manner and to the extent illustrated in some of the other tabular statements before submitted.

Thus, of the aggregate losses since 1789, computed in the previous statements, there must, on an analysis of them, be considered to have happened within the last ten years at least	$200,000,000
Or, annually (see A, and B 5), ...	20,000,000

[Considering recent events, referred to in B 2 and B 5, this estimate for the last ten years will probably be found not too large.]

D.

Whole Bank Capital in the United States owned abroad.

1. Amount of capital in the United States Bank, in 1832, owned abroad, 84,055 shares, . . .	$8,405,500

[See Senate document (No. 31) of January 23, 1832.]

This is nearly one-fourth of the whole of its capital. It

was owned by about 480 different persons. By a report of the bank, January 30, 1840 (Doc. 172, House of Rep.), there were then 1390 foreign stockholders; which, if they held the same number of shares each, would require, by estimate, to be added since, from the sale of the seven millions of stock once owned by the United States, and otherwise, about	16,000,000
Thus, there is owned abroad, in the aggregate, in United States Bank, as estimated at this time * . .	$24,405,500

2. In the United States, generally, not much bank stock is supposed to be owned abroad, out of the cities of New York, Philadelphia, Baltimore, and New Orleans.

The bank capital in those cities, in 1839 and 1840, excluding the Bank of the United States, averaged about	$90,000,000
Computing that only about one-third as much of this was owned abroad as of the United States Bank stock in 1832, or only one-ninth as much as now, and it would be	7,500,000
Add only one-half of this last sum, for all the rest of the bank stock in the United States owned abroad, .	3,750,000

The result would then be as follows:

3. (*Summary.*) —	In United States Bank, .	$24,405,500
	In the four cities, excluding U. S. Bank, ...	7,500,000
	In the rest of the country, .	3,750,000
Aggregate in the United States owned abroad, .		$35,655,500

[For Table E, see Appendix V.]

* Some think that more than seven out of the ten millions of the stock of the first Bank of the United States was owned abroad, when its charter expired in 1811. (Gallatin on Banks and Currency, p. 44.) This is about the same proportion.

SUBSTITUTE FOR SPIRIT RATIONS AND FOR WHIPPING IN THE NAVY.*

Circulars respecting the Commutation of the Spirit Part of the Navy Rations, Assistance to Vessels in Distress, and Punishments in the Service.

NAVY DEPARTMENT, 15*th June*, 1831.

ALL persons in the naval service, entitled to rations, who shall voluntarily relinquish the use of that part of them composed of spirits, shall be paid therefor at the rate of six cents per ration, it being the estimated value of that part, as approved by this department, September 17, 1817.

The payments made in pursuance of this regulation are to be charged to the appropriation for "provisions."

LEVI WOODBURY.

NAVY DEPARTMENT, 26*th September*, 1831.

SIR: In consequence of recent occurrences in the service, your attention is invited to two subjects, where the laws now regulate the rights and power of all concerned, but where there is still vested in officers a discretion, in the exercise of which, it may be desirable to them to know distinctly the wishes of the President and of this department.

One of those subjects and our wishes upon it are, that when any portion of the navy furnishes relief to American vessels, whether wrecked or otherwise in distress, to yield which relief promptly ought to be, and long has been, one great object of its gallant exertions, no compensation of any kind should either be asked or received.

The other subject and our wishes upon it are, that till Congress deem it proper to alter the existing laws concerning punishments in the navy, and whenever those laws allow a discretion in the choice of punishments, the first resort, in the case of offences by seamen, is recommended to be always had to pecuniary fines, badges of disgrace, and other mild corrections, rather than to the humiliating practice of whipping; and that never on the same day, by punishing, under an officer's own authority, two offences at once, should the stripes limited by law be exceeded in number, or be inflicted otherwise than in the presence and under the sanction of the commanding officer of the vessel or station.

* Report of the Navy Department, allowing a substitute for the spirit part of the ration, and urging the use of other punishments instead of whipping.

And that, in the case of offences by officers, which it is hoped their well-known high sense of duty and honor will prevent from becoming frequent, a system more remedial should be adopted, by sentencing to a reduction of rank and pay, or to suspension from promotion, rather than to suspension from active service; as persons unfortunately guilty of any misbehavior need most the constant discipline of active service, and, when suspended therefrom, are left without employment, under greater temptations and opportunities for injurious indulgences.

LEVI WOODBURY.

To all Captains and
Masters Commandant Navy U. States.

BREAKWATER AT THE MOUTH OF DELAWARE BAY.*

THE subject of said memorial is of a character deserving the most full and careful consideration. It interests immediately and deeply almost the whole commerce of three Atlantic States; it is important to much of the coasting trade of the Union; and has a material bearing upon the security of our navy, and upon the great maritime defences of the country. Hence, during five years past, the attention of Congress has, in various ways, been invoked and devoted to the examination of this measure. As early as May 9th, 1822, an act passed, making an appropriation of $22,000 for the erection of wooden piers near Cape Henlopen, at the mouth of Delaware Bay, provided the Secretary of the Treasury, on a survey of that part of the coast, should be satisfied of their utility and expediency. But the survey rendered it apparent, that works more extensive, such as a breakwater, or artificial harbor, and those formed of the most durable materials, would combine advantages more numerous, and in their value be much more than commensurate with the increased expense. Consequently, this appropriation was never carried into effect; but in June, A. D. 1823, pursuing the new light which had been cast upon the subject by the partial survey, and yielding to the suggestions of a

* A Report made to the Senate of the United States, January 3, 1827, in favor of the Delaware Breakwater.

policy enlarged and liberal, the proper authorities instructed the board of engineers to make an examination into the practicability and usefulness of such works as are now prayed for in the memorial; and if the result should prove satisfactory, to recommend a plan for their erection, and furnish a detailed estimate of their expense. Their report of July 14, 1823, presented a full and favorable exposition of the whole subject.

The message of the President, at the commencement of the ensuing session of Congress, invited the attention of its members to the accomplishment of this object, as one "of great service, both to the navigation of Delaware Bay and the protection of vessels on the adjacent parts of the coast;" and the present memorialists, as well as the Legislatures of Pennsylvania, New Jersey, and Delaware, have since urged its importance upon the national councils.

Desirous of obtaining information the most plenary, before a final decision upon a measure of such deep interest, Congress, at its last session, caused exhibits to be prepared of the revenue and expenditures connected with commerce, from A. D. 1790 to A. D. 1825, in the Delaware Bay, as compared with three other of our great commercial emporiums; and, during the same session, procured letters from the Secretary of the Navy and the chairman of the Naval Board, on the utility of the proposed breakwater to the operations of our navy in war, and its general security both in war and peace.

From these various documents and proceedings, it is manifest to your committee, that there has existed a long, a general, and strong solicitude for the object contemplated in the memorial; and from these same sources, and such general considerations as obviously bear upon all questions of commercial magnitude, your committee have gathered and would present the following specific facts, as having a tendency to aid Congress in forming a judicious opinion upon the prayer of the petitioners.

The dangers to which the navigation of the Delaware Bay is exposed arise principally from two causes. One is the large quantity of ice in winter; and the other, the peculiar influence of the wind upon that ice, upon the tides, and the general navigation of a bay running in such a direction, and with such depths of water. The effects from the ice, the general course of the winds, the form of the bay, the soundings, and the tides, are stated with much particularity in the report of the engineers before mentioned, and need not here be repeated.

On this point it will now suffice to observe, that the mouth of the bay is about sixteen miles wide, the channels intricate, and no harbor of safety on either side, where vessels can lie secure to improve favorable openings in the ice when ascending the river in winter, or to seize, in any season, favorable winds and weather for going to sea, or to shelter themselves from storms, when overtaken by them in that neighborhood.

From the first cause alone, the wonted navigation of the bay is interrupted full two months of the year. It has been estimated, by persons of much observation and experience, that, during such interruption, not over one in ten of the vessels enter and ascend the bay, which otherwise would, if the proposed improvement takes place; and thus that more than one hundred square-rigged vessels are annually forced to seek other ports, at great inconvenience and expense.

From this and other causes before mentioned, whose influence a breakwater is calculated to obviate, the whole actual commerce of the bay is subjected to an increased premium of insurance, varying from one-half to one and a half per cent. This burthen, on Philadelphia alone, whose tonnage, in A. D. 1825, exceeded eighty-four thousand tons, and whose imports exceeded fifteen millions, would amount to an annual charge of not less than $170,000. On the commerce of a single port this is a tax at once oppressive and invidious; and of the aggregate capital of the country at large, of its sinews in war and its prosperity in peace, it shows an entire destruction almost to the extent of the increased premiums, as they are calculated to cover not much beyond the actual losses.

Another evidence of the unfavorable influence of these causes is the marked decline in the tonnage of that city, compared with its population in A. D. 1810 and A. D. 1820 — the tonnage having sunk from 124,430 to 78,837 tons, while the population increased from 111,210 to 137,097. Some of this great disparity may doubtless be traced to other circumstances. But it is well known that, from the causes before enumerated, many vessels are ordered to other ports in the winter season, many forced away by necessity, much tonnage totally destroyed by shipwreck, and, from expensive delays and insurances, considerable capital in navigation permanently transferred elsewhere.

The books of the insurance offices, and other authentic documents, in Philadelphia alone, show, within the last twenty years, a total or partial loss of more than two hundred vessels, originating in the neighborhood of Delaware Bay. Sundry instances have occurred of ten or more vessels being on shore, at one time, near its mouth. But if there be added to these burdens, these delays, and this entire destruction of such amounts of property, the further injury to the country at large sustained by the loss of many lives in those disastrous shipwrecks, the importance of some efficient preventive will become most urgent.

Its effect will not be merely the removal of those evils to which the commerce of the bay alone has been exposed; but the proposed breakwater will be adapted to give security to much of the coasting trade of the whole Union. A large portion of it passes near the outlet of the bay, and now, when threatened or assailed with gales and storms, has no safe harbor between Sandy Hook and Cape Charles. Delays,

damage, and total losses, are the frequent consequences, and seem to call for our interposition the more imperatively, as that branch of trade is composed exclusively of American tonnage; as it more nearly concerns every section of the country, being, in a great degree, devoted to the transportation of American produce; and as its rapid increase, within the last twenty years, renders it, in every point of view, dear to American interests and American feelings. For, within twenty years, it has more than doubled, while our tonnage engaged in the foreign trade has declined nearly one-half, and at present but little exceeds the former in amount. Thus, in A. D. 1807, the tonnage in the coasting trade was only 285,990, and that in the foreign trade 1,477,075; while in A. D. 1824, the former was 606,893, and the latter only 845,758.

A further benefit to be derived from a breakwater, or artificial harbor, at the mouth of Delaware Bay, is the like security it would furnish to our navy under the circumstances enumerated in respect to vessels engaged in the coasting trade. But especially during war, on a range of more than two hundred miles of sea-coast now almost closed upon the navy, would it find such a harbor highly advantageous, when pressed by a superior force, or when desirous of some intermediate station from which to attack or annoy a powerful enemy. Concerning the practicability of erecting such a breakwater, the report of the engineers, after a thorough examination, would appear to be decisive.

Though somewhat novel here, similar structures, whether called piers, jetties, or breakwaters, have been made in other countries with the happiest results, and in situations of greater exposure and of greater depth of water. Those near Dublin, Plymouth and Cherbourg, have been so frequently visited and described, and so full is the information possessed on this subject by nautical and scientific men, as to remove all doubt upon the feasibility of the present measure at the place contemplated.

The whole expense of such a breakwater, and the resources of the government to meet it, remain to be considered.

If its size be ample, and its materials the most durable, — and only such an one can be deemed expedient, — the highest estimate of its expense has been $2,326,627. This estimate was founded on a minute survey of the bay, on the depth and length of the proposed breakwater, the cost of materials, and all considerations, of whatever nature, which science and experience could bring to bear on the inquiry. Other estimates have been made by persons of acknowledged skill, reducing the sum, by an alteration in the position of the breakwater, to $1,380,478. But, adopting the highest as the safest estimate, the means to defray the expense are assuredly within reach of the government, may be obtained near at hand, and their appropriation to this object would not be likely to embarrass our finances, or prove invidious towards other sections of the Union. Half the revenue

from the port of Philadelphia alone, for only a single year, has sometimes been sufficient to accomplish the whole object. The reasonableness of such an employment of it will be more striking, when we reflect that the losses it might prevent, in only twelve or fourteen years, would, on the facts before particularized, equal the entire cost of the breakwater. That it can be spared, also, without essential injury to our financial operation, seems probable, when it is considered that the whole expenditure will not be required for some years, and that even one-half of the annual amount heretofore devoted to the increase of the navy, and now no longer pledged for that purpose, will doubtless be sufficient to commence the work, and if thus dedicated yearly, till the breakwater is completed, will only be continuing a part of the old appropriation to another great object of commercial and national importance.

In the narrowest view, however, as to its advantages, and in the shape of an increased charge upon our finances, it cannot be considered an undue appropriation for the protection and prosperity of the commerce of the Delaware Bay, when its revenues and expenses since A. D. 1790 are compared with those of other important points on our sea-board.

Thus the revenue derived to government from the commerce of the Delaware Bay, from A. D. 1790 to A. D. 1825, was $80,313,721, and the expenditures there, during the same time, on forts, light-houses, beacons, &c., were $835,483, or only about one-hundredth of the revenue. But, during the same time, the revenue from the Chesapeake Bay was only $56,963,669, and the expenditures on like objects were $3,253,611, or about one-nineteenth of the revenue. In New York harbor, the expenditures have been nearly one-thirty-sixth of the revenue, and in Boston harbor one-seventieth of it.

Expensive works also are in contemplation, or in progress, in each of the three last places, and will shortly make the expenditures in some of them greater, and in others not much less, than those in Delaware Bay, with the addition of the proposed breakwater.

On a deliberate consideration, then, of all the foregoing circumstances, reflecting, in brief, that above this breakwater the tide flows up a noble river more than one hundred and fifty miles, through a country of great fertility and wealth; that most of the commerce of three States floats upon its waters; that, from the want of such a breakwater, this commerce is now exposed to great and peculiar inconveniences and disasters, as are likewise the navy and much of the coasting trade of the whole Union; that the practicability of the measure is so certain, and its cost so much within the resources of the government obtained from that immediate neighborhood; that the amount required for its accomplishment is not disproportioned to the equal claims of that section of country, or the numerous benefits, both local and general, anticipated from the measure; and

that a gradual appropriation to this object, as fast as the money can advantageously be expended, will not be likely to embarrass our financial operations;—the committee entertain an opinion that the prayer of the memorial is reasonable, and report the accompanying bill.

GUBERNATORIAL MESSAGE,

SPEECHES AND REPORTS ON STATE TOPICS.

GUBERNATORIAL MESSAGE, SPEECHES AND REPORTS ON STATE TOPICS.

MESSAGE TO THE LEGISLATURE OF NEW HAMPSHIRE.*

Gentlemen of the Senate and
House of Representatives:

My elevation to the office of Chief Magistrate of this State was altogether unexpected; and the approbation such a distinguished honor seems to bestow on my past conduct deserves the most grateful acknowledgment. But a consciousness of inability to discharge a trust of this importance in the manner required by our public interests would have deterred me from accepting it, had not so strong an expression of the people's confidence inspired hopes that the charity and candor hitherto experienced will be continued towards my humble endeavors to be useful.

Animated by such considerations, and relying upon that Providence without whose blessing all human exertions are fruitless, and upon the wisdom of the Council whom the constitution has made my advisers, I have entered on the arduous duties assigned me, and take this opportunity to tender you assurances of my cordial coöperation in any measures which may be required by the great principles of our government or the true interests of the State.

Among the most sacred of those principles my education and political faith have always led me to rank the general diffusion of knowledge, equality of rights, liberty of conscience, and a strict accountability of all public servants. In regard to those interests, it would be presumption to attempt a more just enumeration of them than is contained in the injunction of our constitution, that "it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interests of literature and the sciences, and all seminaries and public schools; to encourage private and public insti-

* Made while Governor of that State, 1823.

tutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sobriety, and all social affections and generous sentiments among the people."

These expressions indicate that our fathers considered the subject of education as the first in magnitude among the general concerns of legislation; and their strong conviction of its importance called forth the additional remark, that "knowledge and learning, generally diffused through a community," were "essential to the preservation of a free government." The excellence of knowledge and learning, in this respect, consists much in their tendency to cherish habits of mental occupation, to rectify errors in opinion, to excite benevolent feelings between persons separated by party or religious belief, and, while inspiring the heart with virtue and honor, to disclose the real extent of our powers, rights, and duties.

Under the influence of such views, the policy of this State has improved, till the money employed in the free instruction of its citizens is thought to exceed what any other government of equal resources may raise for a similar purpose. Besides an annual tax for schools of ninety thousand dollars, considerable sums in aid of it are expended by spirited individuals; and a literary fund, to be hereafter appropriated, is accumulating at the rate of about five thousand dollars a year. The system in force in these schools enables the humblest parent to impart to his children all that knowledge of reading, writing and arithmetic, grammar and geography, which the transaction of the common business of life requires; and, of late years, in the higher branches of these studies, a zeal for improvement has appeared, particularly among females, which promises signal benefits to society. Females instruct us all at an age when impressions are most durable; and through life they exert a sovereign influence over taste and fashion. No method, therefore, can be devised, which encourages so just hopes of a reform in the intellectual condition of a people, as by the more general diffusion among that sex of studies and sciences conducive to practical usefulness.* But with us any favorable change of this kind must originate in our free schools, because in them the affluent of both sexes acquire the elements of knowledge, and nearly all the poor and middling classes begin and complete their education. For these, and other reasons too obvious to need recital, constant inquiries should be made, whether the advantages derived from these schools cannot in some way be enhanced. Great as these advantages now are, it is manifest that perfection has not yet been obtained in the selection of the books in common use, or in the efficiency and economy of the present modes

* These views have been fully confirmed since, by the experience of several States. See Reports of Mass. Board of Education.

of instruction; and, without question, the minds of both parents and children are susceptible of still deeper impressions as to the unspeakable importance of improving their present opportunities. I would, therefore, with respectful deference to your own observations on this subject, recommend that our inspecting committees be required to make to the Legislature annual reports of the books and studies, together with the number, sex, and age of the scholars, in their respective towns. New light would thus be thrown upon the object of your inquiries, and, beside the salutary excitement from such a measure, the details it would furnish might suggest many legal provisions of lasting usefulness.

Whether, in a State of our limited revenue, it will ever be practicable to endow with sufficient funds a free university, may admit of doubt. The expense of necessary buildings, library, philosophical apparatus, and competent professors, is formidable, and would seem to require that aid from the ampler resources of the nation which a few years ago was confidently anticipated. But aid from that quarter having since become doubtful, our literary fund might be permitted to accumulate till the question receives a final decision; or, abandoning hopes of an institution calculated to reflect such honor on our character, and at the same time confer so many advantages on the people at large, this fund might now be employed, with usefulness to the cause of letters, in the patronage of PUBLIC colleges and academies, not strictly free, or in donations of globes and maps to the use of our common schools, or in the establishment in each county of a short course of lectures on subjects of agriculture, mechanics, and the general application of the sciences to the arts and the business of life. It affords gratification to reflect, that, however small in appearance may be any improvement adopted concerning education, benefits of very considerable extent will probably ensue from the impulse it may give, in the pursuit of knowledge, to that large class of ambitious yeomanry who constitute the bone and muscle of the State.

The promotion of "Agriculture" appears to have occupied the next rank in the estimation of those patriots who braved the perils of our Revolution to secure the great interests of society on the foundation of fixed principles. So high an estimation of agriculture was well warranted by the circumstance that nearly all our population, either for a constant or occasional employment, have been accustomed to the cultivation of the earth; and that the necessity of this pursuit to the support of every other, and the permanent increase of value it imparts to the soil, independent of its annual products, stand among the first truths in political economy. These truths may have been strengthened in their influence by the moral worth which has always distinguished a people devoted to this primitive occupation of the human race. Its importance, in our country, as the source of national wealth, is conspicuous, and needs no stronger illustration than the striking fact, that the products of agriculture constitute about forty of

the fifty millions of the annual exports from the United States from domestic sources. The quantity from this State alone cannot be ascertained with much certainty. But as the custom-house books, the last year, exhibit an amount of agricultural exports from our only sea-port equal to forty-three thousand nine hundred and one dollars; as the lumber, more than one-half the value of which is derived from agricultural labor, amounted to fifty-one thousand seven hundred and one dollars more; as produce to the value of about thirty-eight thousand dollars was carried away in the coasting trade, and does not appear on the custom-house books; and as the quantity of these articles raised and transported from other parts of our territory to Massachusetts, Maine, Connecticut, and Canada, is undoubtedly from seven to nine times more than what is exported from Portsmouth,—I am inclined to think that our total surplus produce from agriculture approaches very near a million of dollars.

When we advert to facts like these, and consider that, in A. D. 1791, the agricultural exports from our sea-board were not one-third of their present amount, and from other parts of New Hampshire, in consequence of their more recent settlement, must have been in a proportion still smaller, it would seem impossible to feel indifference towards the increasing magnitude of this branch of industry. The commendable attention which, for some years, the Legislature have bestowed on its advancement, has kindled much emulation, and opened an avenue to many improvements; and, what exceeds all price, the intelligent farmer is rising rapidly to that rank and respect in society which persons of inferior usefulness have too often engrossed. But permit me to suggest that still further advantages would accrue, if more particular inquiries were directed to the different kinds of cultivation, grains and stock, which are adapted to any peculiarities in our soil or climate. The discovery of these peculiarities, some of which exist in every county, and almost every neighborhood, is now a far greater desideratum than knowledge of general husbandry, since treatises connected with that have been multiplied from some of the earliest profane writings, down to the very ingenious essays of our own board of agriculture. Nothing could contribute to advance this end with more rapidity than an agricultural survey of the State.* Such a measure would excite, on these subjects, renewed and deeper interest; would tend to combine the researches of science with the practical fruits of experience, and to correct numerous local errors in every branch of husbandry; the leading chemical properties of the soil in different ranges, and at different heights and latitudes, in the State, would thus be tested, and its peculiar fitness for different crops, and its want of different manures, in some degree ascertained; its natural growth of valuable trees, plants and grasses, might be made known;

* Judge Woodbury was the first Governor of the State officially to suggest scientific surveys for practical purposes.

its rocks and metals so far examined as they may indicate the quality of the earth for any particular cultivation, or unfold its riches in regard to lime, plaster, coal, iron, and other articles of general utility; the different practices in relation to the same crops, and the improved instruments of labor, in different sections of the State, be noted; and, in fine, every fact collected which may be thought conducive to agricultural prosperity, and a better acquaintance with the great resources of our soil. Such a measure would likewise promote a knowledge of "the natural history of the country," which is another injunction of the constitution on all "legislators and magistrates."

The estimated expense of this survey does not exceed three hundred dollars to each county. If this sum should appear too large for a single appropriation, it might be divided between two or three successive years; and, whether advanced by the county societies or the State, would prove a mere loan, to be repaid with little delay and at the highest interest, by its advantages to the community.

Before leaving a subject of such general interest, it may be pardonable to advert to a few changes in the agricultural economy of the people of this State which appear to merit your favorable countenance.

We ought to import none of our bread-stuffs. For, though political philosophy forbids sudden shocks to the existing order of things, and though some pursuits disagree with the taste and local condition of our population, yet, with these limitations, convenience and profit require us to obtain from our own labor or neighborhoods all the necessaries of life. Where wheat sufficient for domestic consumption cannot be raised with success,—though such places are here fewer in number than was once apprehended, —the use of it should yield further to grains which long experience has proved to be equally conducive to health and more congenial to some of our soil. It is another reproach, that, with pasturage in such excellence and abundance, more wool is not grown here, for the domestic demand of the United States,—a demand so large as to cause, during the last year, an importation of raw wool to the value of three hundred and eighty-seven thousand dollars.

It has been ascertained, also, that we can raise the Leghorn as well as the common straw, and possess native grasses which are elegant substitutes for both; yet, the value of hats and bonnets imported into this country the past season, from Italy alone, amounted to six hundred thousand dollars; and it is feared that our fair friends, many of whom are distinguished for ingenuity in the manufacture of these articles, have paid almost a full proportion of this unnecessary tax.

The value of the coffee and tea brought into the United States, in the year ending September, A. D. 1822, after deducting what was reëxported, amounted to about five millions of dollars; and though with us, as elsewhere, the vitiated appetite for these foreign luxuries is seated with such firmness as to preclude hopes of reform, either speedy or thorough, yet a gradual substitution of other vegetables of

our own culture is practicable and increasing, and deserves the encouragement of every friend to domestic economy.

The connection of some of these subjects with manufactures imparts to them additional importance. At the time our constitution intrusted to us the protection of "Manufactures," as well as of "Agriculture," the annual exports from the former on our sea-board were less than five thousand dollars. In A. D. 1822, they were forty-three thousand four hundred and seventy dollars. Considering that, in the variety of other outlets to manufactures, the increase must have been nearly proportionate, and is swelled even by our exports from granite and soapstone,—considering, likewise, that manufactures often furnish a market of the highest value and constancy to agriculture, and that those called household contribute no less to wealth and diligent habits than to domestic comfort,—we should not refuse to manufacturing industry that patronage which its magnitude merits. But remarks of this kind are made with no view to solicit favor for manufactures unfitted to our state of society, and neither connected with the internal resources, nor intended to supply the necessities, so much as the luxuries, of our people. These last articles form legitimate subjects of foreign commerce. On the contrary, I would cherish such manufactures as our wants, our means, and our permanent interests, may warrant. Thus, the cultivation of flax deserves increased attention; because this plant thrives richly on our soil, and, in addition to the valuable manufacture from its seed, the domestic fabrics from the stalk promote family industry, and afford a fair profit to agriculture. Without any change in the national tariff impairing its productiveness as a source of revenue, a discriminating zeal might also furnish New Hampshire, from her own establishments, with a greater portion of her bar and cast iron, with most of her lime and sugar, and with all her cottons, woollens, glass, paper and nails. Nature has lavished upon us many of the raw materials for these manufactures; our hills are clothed with abundance of wood for furnaces, and almost every district is enriched, as well as adorned, with the finest falls of water for machinery.

The policy now recommended has been enforced by my immediate predecessor, with an ability which makes further comment useless; and the wisdom of such a policy is confirmed by the fact, that a disposition among us, in past years, to favor manufactures, has introduced here and established some of the largest capitals in New England.

As an encouragement to "Arts" and "Trades," the exercise of which, by our mechanics, furnishes many of the comforts of life, and, in the improvement of implements of husbandry, is a source of much public wealth, I would suggest the propriety of assigning some spare room in the public buildings in this place for the deposit of specimens of their ingenious labors. Under the eye of the Legislature and the care of the Board of Agriculture, all inventions of a useful char-

acter would thus become known, and with rapidity and profit might be disseminated over the State.

The promotion of "Commerce" is another subject committed to your care by the constitution. But the powers of the General Government over that branch of industry are so paramount, and have been exercised such a length of time, and in many respects with a liberality so judicious, that little remains for State legislation. All which our foreign commerce can expect from us is a discreet patronage of agriculture and manufactures, so as to create more surplus materials to feed this commerce, and a due attention to the facilities for transporting those materials to our own sea-board, wherever our own sea-board is able to furnish a market equal in convenience and excellence to that of other States. This mutual dependence between these great departments of industry ought to produce between them harmony, rather than jealousies, and is doubtless a provision of Providence to combine all the energies of society in the advancement of human happiness. It must, therefore, be a gratification to our citizens of every profession to learn, that, though a large portion of the imports and exports of New Hampshire help to fill the custom-house records in other States, yet a gradual increase of both at our only sea-port has made its way through many severe calamities. Since A. D. 1791, when the whole amount of each of them was less than one hundred and fifty thousand dollars, the annual imports have risen to an average, for the last five years, of four hundred and fifty-five thousand six hundred and eighty-seven dollars, and the exports to three hundred and forty-five thousand eight hundred and seven dollars.

Our inland commerce, by means of roads, bridges, and canals, is a subject of more general solicitude. Its connection is more immediate with the interests and enjoyments of every class of people; and some diversity of opinion prevails, whether the constitution of the United States permits us to receive the aid of Congress in this species of internal improvement. But the temptation to raise surplus produce and the value of it when raised being in a ratio with the excellence of the means to transport it to market, and no prospect existing of the present assistance, whatever may be the power, of our National Government to improve these means in New Hampshire, it would ill comport with the foresight required in public affairs to withhold from these means any encouragement which the smallness of our resources and the frugality of our policy may justify.

Every facility should be afforded to open and straighten roads leading to the nearest markets from different sections of the State. Improved methods should, if possible, be devised for expending in their repair the large sums annually raised by fines and taxes. And the substitution of canals, where it can be effected at a moderate expense, is such a gain in the cost of transportation as should make them objects of continual solicitude. The price of freight on waters by nature navigable, compared with the expense of transportation on land, is, for

short distances as one to twelve, and for long distances as one to a hundred; and, where navigation is aided by art, the average proportion is estimated by engineers to be one to twenty. But in our uneven and rocky soil the difference is less, though, wherever the smallest part of the expense of land carriage can be saved by canals, they become an object of public consequence. In countries whose population and business are on the increase, the usefulness of canals to community is often accompanied by a large profit to stockholders; and though this last result has not yet happened in more than two or three instances of our own improvements on the Connecticut and Merrimac rivers, still in England the dividends on fifteen canals have averaged over thirty per cent.; and, as their erection and repair are now better understood, the capital hereafter invested in them in advantageous routes is likely to be productive.

One of these routes, between Dover and Alton, has before received legislative attention. But the estimated expense of three hundred and fifty thousand dollars has appeared so formidable as to dishearten private enterprise, and perhaps, without national aid, would render questionable the future expediency of a canal the whole distance. Leaving a portage, however, of six miles, where the fall is greater than in all the other twenty miles from Winnepiseogee Lake to tide-water, it might be sound economy to encourage a canal the rest of the distance; and the comparative expense would be trifling to connect the same lake and the Pemigewasset at Plymouth, by a canal in the direction of the Squam ponds. In this route, Plymouth lies only eighty-five miles from the sea-board, and more than half that distance is now water navigable by nature, without any aid from art.*

But further remarks on subjects connected with our inland commerce are unnecessary, since their importance to the public has not heretofore been overlooked, and since reflection must convince all that the advancement of some of these objects may contribute not only to the agricultural prosperity of the State as now settled, but to the more speedy occupation of our unsettled lands by a surplus population, which otherwise might emigrate, and cover the forests of remote States with the fruits of their industry. Measures of this twofold tendency, directed to improvements either in our western, central, or eastern roads and waters, promise the greatest utility; and if, by an equal and judicious policy, some of them at the same time should happen to enlarge our foreign commerce, or lessen our dependence upon other governments for a market, these incidental consequences cannot fail to enlist more strongly in their support the patriotism of all who cherish a just sense of State pride and ambition. Such a policy is the only one worthy an enlightened people, and would be most benignant in its influence on sectional jealousies, and in allaying those angry and vindictive feelings which faction, folly, and ignorance, are

* The importance of this suggestion has been since verified by railroad enterprise

apt to inflame. But, in a State so limited in territory and resources, it is probable that no new legislative appropriation to these objects will ever be expected, unless, where the wild lands of the State may receive peculiar benefit from new roads or canals, it should be deemed expedient to apply the proceeds of part of those lands to objects so directly calculated to raise the value of the remainder.

Among the miscellaneous subjects to which a sense of duty impels me to invite your attention, are a few changes of inconsiderable magnitude in our statutes. Laws should not be subjected to great or frequent alterations, because every essential change in the rules of property, of personal rights and their remedies, requires new labor to understand those rules, and till the change receives a judicial construction, questions remain unsettled, and much expense is incurred. But small alterations are attended with less hazard, and are often necessary to meet the alterations which time produces in the condition of society.

In our criminal code, I would suggest the propriety of a distinction between the length of hard labor in the state-prison on a first and on a second conviction. The decreasing expenses of that institution, which, from an annual tax of about two thousand dollars, have become less than the value of the labor performed in it, and the diminished number of convicts, which from seventy-five has fallen to fifty-eight, are sources of sincere congratulation. The difference, in these respects, between this and other States, furnishes a high compliment to the morals of our people and the vigilant economy of our warden. Thus, in Connecticut, the number of convicts, compared with their population, is nearly double what it is here; in Vermont, it is more than double; in Massachusetts, it is treble; and in New York, it is four times as great. In the third State mentioned, where the population is little more than twice our own, the commitments are said to have been ninety-five during the last year only; being equal to almost half the whole number committed here since the erection of our prison, in A. D. 1812. It will be unnecessary to enter into any detail of the comparative expenses, when it is known that our whole cost for food to each convict in the year just ended has been no more than fourteen dollars and nine cents, and for clothing and bedding no more than seven dollars and sixteen cents. I mention this fact to furnish, also, a useful hint concerning the necessary expenses of paupers; and though, on this occasion, no new suggestions will be offered in check of the great moral leprosy our system of poor laws is calculated to spread,—and though a thorough reform in them, while supposed to encounter some of the noblest sympathies of humanity, may well be approached with reluctance,—yet public inquiries on this subject should never sleep, as, within a few years, legislative discussion alone has aided, if not excited, an improved economy in the pauper police of many towns.

Coroners' inquests, without affording any assistance in the administration of justice, often prove a source of inconvenience and pain to

the jury, and impose a large tax on the county treasuries. If, in cases of sudden death, attended by secrecy and suspicion, inquests sometimes help to calm popular feeling, I would recommend that hereafter they be held only at the expense and special application of persons who, in any particular case, may entertain that opinion.

The care recently bestowed on our militia was merited by the importance of so valuable an institution. But the principal object which can be attained by it in peace is the preservation of good arms in the hands of the people, with a view of self-defence against lawless aggression, and a constant readiness to meet any public emergency of usurpation or war. Yet our last returns exhibit a deficiency in muskets of nearly five thousand,—a number equal to one-fifth of our whole infantry. A remedy for so alarming an evil appears to merit inquiry. Some persons entertain a belief that the present system is attended by evils of a moral and pecuniary character equally alarming, in consequence of the temptations it presents to intemperance and idleness, and the burthens it imposes on the laboring classes of society, in unsuccessful attempts to perfect their discipline. But one annual inspection of arms would always seem indispensable; and, though a relief from all other military duty might obviate many objections, and merits the consideration of the Legislature, yet a change in our militia, even to this extent, ought not to be hazarded, if it would tend to impair the efficiency of what our constitution pronounces to be the "proper, natural, and sure defence of a State."

Recent experience seems to designate, with sufficient certainty, some useful changes in our statute concerning the choice of Representatives to Congress.

The compensation allowed by statute to Judges of Probate is supposed to be an inadequate reward for their services; and, although custom may warrant them in receiving sufficient fees beyond what the letter of the statute allows, yet it deserves consideration, whether it is safe for them, or for the public, that their emoluments should depend upon the vague and various usages of the several counties, and whether it might not remove embarrassments, and promote impartiality and correctness in business, either to make the fee-bill more comprehensive and explicit, or to pay the judges by a fixed salary out of a fund collected from probate proceedings.

We are reminded, by the constitution, that, in "order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve, and such ought to be fully compensated for their time, travel, and attendance." Should the Legislature advert to the value of the rights, the amount of property, and the difficulty of those inquiries, often submitted to a jury, no care could appear too great in the appointment of persons competent to a task of such arduous responsibility. If the names in the jury-boxes were less numerous, the chance for the selection of "none but qualified persons" would be

increased; and, if the present fees are insufficient to insure the cheerful services of citizens most distinguished for integrity and good sense, joined with firmness and experience, it would doubtless promote the public interests to compensate jurors more "fully for their time, travel, and attendance." This could be effected at the expense of litigants, or the county, as sound economy may dictate. On caution in the appointment of jurors, one further consideration, partly political, and altogether paramount to any narrow calculations about office or emolument, arises from the fact, that, in proportion as jurors are well qualified, their verdicts will not only exhibit greater accuracy, and the artifices of injustice encounter greater obstacles, but the trial by jury — that great palladium of civil rights — will acquire from the public still higher veneration and confidence.

Under our system of jurisprudence, almost every argument in favor of good jurors applies with increased force in favor of good judges. Indeed, a judiciary enlightened and "independent," as well as "impartial," seems by the constitution to be considered "essential to the preservation of the rights of every individual,—his life, liberty, property and character." It is, therefore, necessary, that you, who are intrusted with the important power of giving force and efficiency to that department, should examine, from time to time, whether any change would impart to it a higher degree of usefulness.

So far as usefulness depends on the form of any system, the first object should be to carry the business to that tribunal whose judgment is final, with no more delay and cost than are unavoidable in an adherence to other judicial principles. The next object is to have such a number of judges, and such a frequency in the terms, as to insure due attention and despatch to the business. In respect to the administration of any system, all considerate men will agree, that the judges, no less than the jurors, should be selected and compensated so as to cause a performance of the business in the best manner; or, in other words, so as to obtain and preserve in this arduous service those citizens best qualified by their virtues, talents and studies, to transact the judicial business of the State. In forming an opinion whether the present condition of our judiciary is fitted to answer these ends, it should not escape consideration, that within the last thirty years the wealth and population of New Hampshire have nearly doubled, and, of necessity, have produced some increase in the number of litigated actions; that the practice of saving each year about one hundred questions of law to be examined in vacations is a great addition to judicial labor; that this change, together with the progress of law as a science, and the consequent improvement of the bar, renders superior qualifications requisite in judges to command proper confidence; that their expenses by travel, and by the greater number and duration of the terms, are much enhanced; and, in fine, that the trial of all jury actions in the State, which were formerly divided between two tribunals,—one, at times, of four, and the other of six, twelve and eighteen judges,—is

now devolved, with the increased fatigue and responsibility before mentioned, on only three men, whose salaries combined do not equal the compensation to many single judges elsewhere.

After due inquiry, should you conclude that our present system, among many excellences, possesses some defects, but that these are of a character which can be remedied by the addition of another judge and of other terms, where desirable to prevent cost and delay, and still leave its incidental expenses much less than those of any other system, no reasons of a public nature have occurred to me which would justify an abandonment of it.

As to a change in the compensation of the judges, the question should be settled on a reference to the facts above named, and on the broad principles of an enlightened policy. While a course vacillating and short-sighted, whether in public or private affairs, leads to waste and extravagance, care is at the same time necessary to prevent inroads on those frugal habits which form so strong a safeguard to the morals and prosperity of small States; and it will remain for you alone to decide whether a moderate increase in the salary of those officers would, under existing circumstances, tend to danger of this kind, or exceed the bounds of expediency and justice. To guard against misconstruction, it may be added, that if you impose a larger fee on the entry of actions, in order to meet any change without a burthen on the treasury, and if a part of this fee should be assigned to the clerks, who collect it, and whose very faithful services receive much less reward now than formerly, I am not aware that an additional compensation to any other officers in any department of our government is either needed or desired.

In connection with judicial concerns, I may be excused for one further suggestion. The cautious spirit of a republic seems to dictate that some limit should be fixed to the discretion of courts in awarding fines and imprisonment for contempts and offences at common law. Without such a limit, unless we are blessed upon the bench with angels in the form of men, no small danger of oppression must exist in periods of party violence, and in cases where the judges themselves may have been victims of wanton calumny.

It is a distinguishing feature in governments like ours, that the people are entitled to such information on all public business and expenditures as may conduce to economy, or throw light on the administration of the various trusts confided to their agents. I would therefore repeat, in substance, a remark of the vigilant statesman who retired from this chair in A. D. 1819, that the above ends would be promoted, a useful check imposed on mistakes, and, in time, a valuable body of statistical facts collected, if not only inspecting committees, but county treasurers, clerks of courts and registers of probate, were required to make to the Legislature annual reports of the quantity and character of the business connected with their respective offices.

The gradual increase of our small library at the seat of government

is another object of some public consequence. If confined to works on political economy, national law, State trials, and parliamentary debates, the necessary appropriation would be trifling, and, beside the credit of such a proceeding to the Legislature, the advantage to be derived from recourse to books of this kind, on questions of order, impeachment, addresses for removal of officers, and important measures of State policy or State rights, must be obvious to every intelligent politician.

In the deficiency of surplus funds for this or the agricultural purposes before mentioned, permit me to inquire whether public expediency would not justify you in obtaining them by a small fee for licenses to retailers of spirituous liquors. In each town this fee might be paid to the selectmen, and by them to the State treasurer, and, in the end, to a considerable extent, it would prove a tax on intemperance. By indirect means the Legislature might thus promote that "sobriety" which the constitution urges them to "inculcate;" and by employing the money to advance some useful industry, or the cause of literature, would contribute something to the interests of morality and piety.

Often as I have adverted to the constitution, it is hoped a sufficient apology may be found in the purity of those principles which pervade this solemn charter of our liberties, in the oaths of us all to support it, and in the impressive admonition of our bill of rights, that a "frequent recurrence to the fundamental principles of the constitution" "is indispensably necessary to preserve the blessings of liberty and good government." In truth, gentlemen, it is our State constitution, State laws, State interests, and State resources, with which we, as State officers, are immediately concerned; and, without turning aside to discuss any prominent measures of our national government, the importance of which, however, cannot be too highly estimated, or to express at length what we all doubtless feel,—deep sympathy with struggling Greece, and the triumphs of Spanish freedom in either hemisphere,—I have found leisure to invite your attention only to our own local affairs. The character and dignity, no less than the interests, of this State, as an independent sovereignty, seem to appeal to the Legislature to give a new impulse to her energies, and for all domestic purposes to take a lead in cherishing among our citizens a bold reliance on their own enterprise, and on the strength and excellence of their own institutions; and hereafter, as far as possible, to retain at home and perpetuate that hardy spirit of valor, adventure, and industry, which in war has always distinguished our soldiery, and in peace, beside giving fertility to our stubborn soil, has joined the advanced guard of civilization, both on the western and eastern frontiers of the Union. Another incentive to this policy may be derived from the reflection, that, however limited, in comparison with some States, may appear our present wealth and numbers, yet we are richer than many in a mild code of equal laws; richer in systems of education, literary and religious; richer in the frugality and morals of our yeomanry; richer in

improving roads, light taxes, and a healthy climate; and, if the sentinels of our interests persevere in a policy worthy the destinies of a free State, and the age in which we live, the tide of emigration must long be checked. Before the close of the present century, should our numbers multiply to a million, the increase would not be so rapid as has occurred here within the last hundred years, and we should not then exhibit so dense a population as now covers many countries of much less natural fertility in Europe and Asia.

Should the sanguine also anticipate that by such a policy the character of this population for every human excellence may surpass that of the purest republics of antiquity, their hopes will not appear altogether delusive, if we look to the advantages just enumerated, to the flood of light pouring upon the world from modern science, and to those benefits from the diffusion of Christianity which exceed all ordinary calculation; or if we reflect, that within two centuries since the axe of the husbandman was first heard in the forests of this State, she has risen from a few huts on her sea-board, and from foreign and feudal subjection, to the full enjoyment of independence; and, after converting her wildernesses into fruitful fields, has animated them with a people equally able to understand and defend their inestimable rights. Nor is there danger that such a people will ever cease to love their laws and institutions, so long as these continue worthy of their love, by keeping pace with the progress of freedom and knowledge.

Gentlemen of the Senate, and
House of Representatives:

I trust that you will not misinterpret my readiness to meet every responsibility belonging to the executive department, and my use, in all communications with you, of that plainness and frankness which early habits and opinions teach me should be cultivated between the free agents of a free people.

To expect unanimity of sentiment on topics so diversified, would not be warranted by experience; and so far as my private wishes are concerned, they aspire merely to obtain credit for industry and fidelity, leaving the usefulness of every suggestion to the scrutiny of temperate discussion, and believing that a temporary difference of views on subjects of legislation may be entertained with honesty, and will often tend to elicit new light, and promote the triumph of correct principles.

The pressure of those judicial duties which have engrossed my attention till the present week may be some excuse for various errors and omissions in the foregoing remarks; and my regret on account of them is much lessened by the reflection, that every deficiency can be supplied by the variety of talent, the experience, and wide extent of observation, collected in the Legislature.

Suffer me only to add, that it will be my pride to imitate, without presuming to hope I can equal, the judicious example of my immedi-

ate predecessors in their general course of administration, and in their conciliatory department towards the different sections, sects, parties, and interests, of the State. A broad motive for the latter part of this policy springs from the fact, that liberality, when it can be indulged with no sacrifice of principle, proves the great source of harmony and strength in popular governments; and, under a conviction of this truth, the venerable author of the Declaration of our Independence long since inculcated upon the whole of his countrymen, that, as "every difference of opinion is not a difference of principle," it becomes "the duty of all good citizens to unite in common efforts for the common good." LEVI WOODBURY.

Concord, June 5, 1823.

LAWS CONCERNING PAUPERS.*

To the Honorable the Senate and House of Representatives for the State of New Hampshire, in General Court convened.

THE committee appointed at your last session to report concerning the Pauper Laws of this State would respectfully represent, that they have endeavored to devote such attention to the subject as its acknowledged importance deserves. But it is not believed necessary to detail, with minuteness, all the circumstances which have influenced them in favor of the changes hereafter recommended. Many of those circumstances appear among the facts collected by the last Legislature, from the several towns in the State; many of them exist in the recorded experience of other governments under similar systems of poor laws, and many of them, we trust, are so manifest in the first elements of political economy, as to occur, without enumeration, to the recollection of all. To illustrate the views of your committee, however, it may not be improper to mention a few general considerations derived from the above sources.

Our laws for the relief of paupers are evidently founded on an idea that all civil associations are bound to furnish protection and mainten-

* A Report made to the Legislature of New Hampshire, June 9, 1821.

ance to the individuals of such associations. This idea, in a limited sense, is correct. But experience has evinced, that though government can, in most cases, provide more effectual protection than separate individuals, yet, on the contrary, it has no less clearly evinced, that each separate individual can, better than government, provide for his own maintenance. As a general principle, therefore, government should furnish only that indirect aid towards the support of individuals, which consists in the protection of them while acquiring and enjoying the means of subsistence.

The support of those persons who, through debility of body or mind, are unable to earn a livelihood, forms no exception to this general principle, unless experience justifies the belief that, without the interposition of government, such persons will be left to perish by individuals interested in their fate from consanguinity, or friendship, or humanity. Because the nature and character of man are so constituted, that if this interposition be made when not necessary, that very circumstance will create and perpetuate an apology for the continuance of such interpositions. How many are tempted to refrain from exertion to support themselves and their indigent dependants, from a consciousness that, without such exertion, they are secure of a maintenance by the public! On the contrary, how few, who are not entitled to a support by the public, will endure hunger and nakedness, rather than labor, provided they possess physical ability to labor! Such, also, is the mysterious construction of the human heart, that, in a civilized and Christian community, only a small number can be found so destitute of the sympathies of our race, so regardless of their kindred, or so dead to the religious duty of charity, as to see perish with want their offspring, parents or friends, if those connections are really impotent, and by law entitled to no relief from the prodigal hand of government.

Thus it happened in modern Europe, till about the middle of the sixteenth century, that the aid of government in support of paupers, was neither offered nor invoked. That class of persons received no regular assistance, except from monasteries; and though this assistance was voluntary, from mere religious charity, yet, instead of being too limited, in its profusion was often a temptation to indolence. Most of the continent of Europe is still without any civil laws for the maintenance of paupers. Ought a supposition to be indulged so derogatory to this reformed section of the world, as that the obligations of the Gospel are now less felt, and the proper objects of private charity cannot be selected with as much intelligence, and with even better effects on community, than were exhibited in ages of comparative barbarism?

It can hardly be questioned, then, that our present system of poor laws, furnishing, as it does, public and permanent relief to every description of paupers, must be deemed a departure from some of the first principles of political economy. In one respect, it violates, also,

the great moral distinctions between virtue and vice; because it yields the same aid to vicious as to innocent poverty. In other words, it does not punish vice by the abandonment of its votaries to such suffering as would naturally follow from gross wickedness; but rescues from want, and nourishes with as much kindness, the felon and drunkard, as it does the victim of disease or misfortune. This system, too, was in some degree intended to produce a remedial effect; yet, in hostility to such a design, it contains within itself abundant seeds of increase and perpetuity. No regular course of discipline or labor is adopted, in order to reform the idle and vicious. Improper marriages are contracted, under the prospect and security of eventual support from the public. A similar foresight encourages many others to indulge in indolence, prodigality and vice. Distant connections are more readily flung upon the public, as the sympathies of kindred and friends become more paralyzed by the increasing weight of their compulsory taxes for the maintenance of other paupers. Indeed, a combination of these and similar causes, under the present system, multiplies the whole number of paupers in a ratio calculated to alarm the most courageous politician. For a confirmation of some of these remarks, we would refer to the facts reported to the last Legislature. Those facts, too, speak a language which outweighs every suggestion of fancy or theory; and, if their accuracy were questionable, are corroborated by the experience of every government that has adopted a system similar to our own.

Thus, in the year 1800, the annual expense for the support of paupers, inhabitants of this State, was only about $17,000, and our population was 183,858. The above sum does not include incidental and legal cost. But, in the year 1820, the same annual expense had increased to about $80,000, while our population had become only 244,161. It therefore appears that our expenses increased almost four times their just proportion; for, had they augmented in a ratio with the population, their amount would have been less than $23,000, instead of $80,000. The facts reported to the Legislature show that these expenses double in about every five years. But, on a recurrence to the census of different periods, it will be seen that our population doubles only in about forty years. The population of this State has not recently received many accessions from abroad; while the departure of our hardy and enterprising youth to milder climates and more lucrative employments than exist here, has been a constant drain upon our productive numbers, without draining from us, at the same time, the infirm, the diseased and the impotent. It has, therefore, followed, that though the number of paupers compared with our whole population was, in the year 1800, only one to three hundred and thirty, yet, in the year 1820, they had become one to every one hundred. This is more than three times their just proportional number; and though, in our estimates, we have rejected fractions and obtained the number of paupers by assuming a certain sum for the annual support

of each, yet the comparative result must be accurate, because the same rules in similar estimates are preserved throughout. From the facts before mentioned, it follows, also, that should the number of paupers, and of our whole population, continue to increase in this disproportionate ratio for the next forty years, the former will become one to every twenty-seven of the latter, instead of only one to every one hundred. Thus, at the end of that period, our population will be only 488,000, while our paupers will be 18,000; though to support 18,000 then with the same ease with which we can now support the present number, our population ought to be 2,196,000.

These calculations are predicated on the hypothesis that our paupers and whole population will, till the year 1860, continue to increase in a ratio similar to that which has existed since the years 1790 and 1800. But it is correct reasoning, as well as history, that paupers, when a country grows older and taxes augment, will multiply in an annually increasing ratio with the population; and that a people under such a system, like a heavy body descending to the earth, are accelerated in their progress towards total pauperism, the further they advance.

The above number of paupers, therefore, at the end of forty years, compared with the whole population, is estimated much too low. But, taking only the actual estimate, such a system, if not amended, seems destined to entail on our posterity a burthen more oppressive than the support of all the privileged orders of monarchies, from which we justly boast our happy exemption.

That these apprehensions do not rest alone upon reasoning and calculation, may be seen by reference to the adjoining State of Massachusetts. Their territory has been longer settled, the system undergone a fuller experiment; and the result, as reported to their Legislature, tends to verify the worst predictions. In a population of about 472,000, their annual pauper expenses are estimated at $364,000, which, it will be seen, is more than double the amount of our expenses compared with our population. Thus, too, the number of paupers is there estimated at one to every sixty-six inhabitants, whereas here it does not exceed one to every one hundred. If their census of A. D. 1820 were taken as a guide, the result would differ, but only in a small degree.

The experience under this system of poor laws has, in England, been longer still; and the result has, if possible, been still more conclusive in respect to its ruinous progress. From the year 1687 to 1785, a period of almost a century, their annual pauper expenses increased from £665,362 to only £1,943,649; while from 1785 to 1815, a period of but thirty years, they increased from £1,943,649 to £8,000,000. Thus, during the infancy of the system, the expenses did not treble in less than a century; but, afterwards, they quadrupled in less than a third of a century. The same disheartening consequences are visible when the number of their paupers is compared with their whole population. Thus, in the year 1803, the whole

number of paupers in England and Wales had swollen to 1,039,716, and the whole population was only 9,500,000. The ratio of one pauper to about every ten inhabitants is, when compared with that in New Hampshire, and even in Massachusetts, an appalling increase. But what ought to be our consternation at the progress of the system, when, in 1812, a period of only nine years, their paupers had multiplied from 1,039,716 to 2,079,432, and their population risen only to 10,000,000! This presents a ratio of more than one pauper to every five inhabitants.

Let all deductions be made which can occur to the most cautious economist,—and undoubtedly some are proper in consequence of the depreciation of money, the unusual duration of their modern wars, and the peculiar embarrassments which have distressed manufactures,—and still the result will be such as to indicate a fatal termination to every government which persists in the system. It is to be remembered, also, that the expenses incurred in the support of foreign paupers — by which we mean those who have acquired no legal settlement in this State — constitute a very considerable addition to the sums first mentioned. Among us those expenses have been estimated at $6200 a year; and the observation of every one must confirm the remark, that they are incurred with less reluctance and with more prodigality than any other expenses under the present system. Much of this arises from the circumstance that they are eventually paid by the counties, and not by the towns, which furnish the relief. The expenses of this description, too, increase in a ratio almost as rapid as those for the maintenance of domestic paupers. In this State, the accounts for any length of time have not been collected from the several county treasuries; but an imperfect examination of them strongly verifies the above conjecture.

In Massachusetts, under similar laws, these expenses, between the years 1801 and 1810, have increased from $27,363 to $50,542; and, in 1820, had become $79,870 a year. These sums, too, may be deemed another proof of the disproportionate magnitude, in older governments, of both the number and expenses of paupers. For though the extended sea-board and commerce of that State may create a peculiar increase of the class of foreign paupers, yet, compared with their population, it could hardly make them, to the number here, compared with our population, as thirteen to four.

In addition to the sums before enumerated, which are expended in the mere maintenance of both foreign and domestic paupers, the incidental expenses of removals, and the costs which accompany litigation concerning settlements, constitute items whose formidable amount none could anticipate or believe, without much observation. In this State they have been estimated at $30,000 a year. This, it will be perceived, more than equals one-third of the whole expenses for mere maintenance. When we advert to the time, trouble and expenditures, of overseers and agents, in inquiries concerning the settlement of

paupers,— in the relief, removal and superintendence of them,— in the institution of suits, the service of notices, the procurement of evidence, the fees to counsel and witnesses, — the attendance on courts and the raising of money to discharge enormous bills of cost recovered,— few will apprehend that the above estimate is much too high. It seems probable, too, that the same alarming increase which characterizes the other expenses under this system is attendant on these. For, in England, where questions of settlement have been longer adjudicated and fixed, and where these incidental expenses should therefore be proportionably small, there has still been a great increase in their ratio, compared with the whole pauper tax. Thus, in the year 1783, their whole expenses, beside those for maintenance, were £92,097. Of these, the mere law charges were £55,891, and the charges attendant on removals, £24,493. But in the year 1803, out of the whole pauper tax, which exceeded £5,000,000, only a little over £4,000,000 was expended in mere maintenance. It therefore appears, that as in 1783 the whole pauper tax was about £1,500,000, the incidental and legal expenses were then less than one-fifteenth of the whole; but in 1803 they had become one-fifth of the whole.

From a view of the whole premises, it must be obvious, that though the pauper expenses of this State are nominally much less than those of some other governments, yet the same disastrous increase, which we believe to be inseparable from the present system, is here exhibited.

It is fashionable to lament the condition of England in respect to pauperism; and it is flattering to our national vanity, when we compare the sum total of her poor to our own, — her three millions of famished beggars, fed from the hand of public charity, — a number equal to one-third of the population of the whole United States; and when we compare, also, her annual expense in their support, of above $44,000,000, — a sum more than double the whole revenue of the Union. But we forget, at the same time, to compare our small population and resources with hers; and though the insulated position of this State, the enterprise and industry of her inhabitants, their general intelligence and correct morals, may long avert the catastrophe which seems more immediately to menace England, yet the same system of pauper laws seems to hurry us towards the same vortex.

Every reflecting mind in society has, therefore, become alarmed; and it is believed by the committee that the facts and inferences which they have the honor to present to the attention of the Legislature will evince the necessity of some such speedy change in the system as may check this overwhelming increase of expenses, and, if possible, reduce their present formidable amount.

Only three methods to effect this have occurred to us. One is by lessening the number of paupers who by law may be authorized to receive public relief. Another is, by lessening the annual expense of maintaining each person entitled to relief. And lastly, by lessening the incidental expense of maintenance, and of litigation concerning

settlements. It will be seen that these three propositions are so independent of each other, that the adoption or rejection of either will not affect the remainder. On the means to enforce each of them we shall take the liberty to offer some suggestions.

1. The number of paupers, that are now so burthensome a tax on community, might be most effectually lessened by an exclusion of every class of them from any public relief. But the policy of such a measure is exposed to much suspicion. Whatever may be its theoretical correctness, and however fortunate may have been the experiments under it in Scotland, and many other enlightened portions of Europe, the measure seems impracticable to many who have so long been accustomed to our present system. There is, too, an apparent cruelty in it, which, with some, may not be obviated by the considerations mentioned in the commencement of this report. All changes, also, in long-established systems, are more acceptable, and often more useful, if gradual. Your committee, however, have been unable to discover any sound objection to the exclusion from public relief of every person reduced to want by *indolence or extravagance.* The exclusion should, likewise, be extended to all those whose poverty is the consequence of *any crime.* This class forms a large portion of the whole number, and its ranks are almost wholly filled from the *haunts of intemperance.* The abandoned mothers of illegitimate children make up a great part of the residue. Their wretched offspring, with whose support the public are now so often burthened, would be lessened in number, and indemnity be obtained for most hereafter born, if selectmen were empowered and required, in the name of their respective towns, to prosecute either parent till that indemnity was obtained. When the supposed father was prosecuted, the mother, like every competent witness, might then be compelled to testify in an action in which she is not a party. In all cases, also, of children, illegitimate or otherwise, whose parents ask public relief, selectmen should be more rigidly enjoined to bind them out to substantial farmers and mechanics, so that such children may learn industry and economy, receive moral instruction, and acquire good English educations. Many would thus be rescued from the necessity, too often imposed on them by early habits of indolence and profligacy, by ignorance and infamy, to continue paupers for life, and to perpetuate through succeeding generations a race so baneful to community.

2. In respect to the annual expense of the mere maintenance of those paupers who may by law be authorized to receive relief, we entertain no doubt that it might greatly be lessened by the employment of them, according to their ability, on farms and in workshops. These should be owned by the respective towns; or, where paupers are few, by voluntary associations of contiguous towns. In some parts of this State, and in many parts of Massachusetts, it has been ascertained, by actual experiment, that much the most profitable labor for this class of persons, when not totally helpless, is agriculture. Every man,

who has watched the expenditure of public money, must be conscious that when such employment is furnished by only one or a few towns, the incidental cost will be less, the attention to frugality greater, and the risk of imposition small. As idleness, too, is the parent of much pauperism, constant labor being thus furnished and required will not only often cure the evil, but operate as a preventive. The certainty of being compelled to work will induce many sturdy paupers to support themselves voluntarily; and those who are willing to work, but unable to obtain employment, will thus be provided with opportunities to earn a subsistence. When the poor, as is often practised, are billetted around a town to the lowest bidder, few of them feel much obligation to labor; and no person is, under the present system, invested with authority to enforce their obedience. Every one, too, who consents to board them cheap, might not be a discreet person to invest with such authority; and suitable occupation, in many different families, could not always be supplied. All relief, likewise, to paupers in their own houses, except in cases of accident, has been found, by experience, to be the most expensive, as well as the most tempting to habitual indolence.

3. The only effectual method that we can devise, to lessen the incidental expense and legal cost which attend our present system, is by a repeal of all laws in respect to settlement. This suggestion may not meet with favor, on account of its novelty. But, as the expenses of this description are enormous, and do not contribute to the actual maintenance of a single pauper, almost any project to escape from them deserves an experiment. On the hypothesis that every person who was authorized to receive public relief should receive it at both the immediate and eventual expense of the town which bestows it, our vast expenditures in removals and in litigation would at once be eradicated; and the only plausible objection to such a course is the avenue it may open to frauds, and the disproportionate burthen it may impose on different towns. But cannot the Legislature inflict such severe penalties on the transportation of paupers, by force or fraud, from one town to another, as will check most offences of that character? In addition to their severity, a certainty that so many will feel interested to enforce them by prosecutions, must prevent much transgression. Mere vagrant beggary, also, will not greatly increase, if punished by apprehension and confinement to labor; and it always should be so punished, because whoever is able to "compass heaven and earth" to importune others, is able to work himself. But should it, contrary to our expectations, considerably increase, the public expenditures in removals and litigation would still be saved, and those for maintenance will not be augmented, as the change will only be in the *form* of relief. Persons from other States, who become paupers, could then, as now, be sent home, if their infirmities permitted, and the distance was small. In respect to the relative burthen on each town, it would not, in a series of years, exhibit any essential difference

from the burthen imposed by our present laws. On the contrary, the proportion now is so diversified, that, after a repeal of those laws, the equality would probably be greater. This repeal, too, beside the prevention of incidental and legal cost, would effect an improvement in the general economy of towns in the management of the poor. To check the voluntary incursion of paupers from other places, towns would furnish a maintenance no more sumptuous than necessity required, and, for the same purpose, would compel the poor to perform all the labor their ability might permit. It is obvious that these indirect consequences, by lessening the annual expenses of mere maintenance, will be almost as useful to the public as the direct consequences before mentioned.

Should a total repeal of our laws in respect to settlement be deemed inexpedient, these incidental and legal expenses might possibly be reduced, by greater difficulty in the methods to obtain future settlements; and, possibly, by the organization of a cheaper tribunal than courts of law to adjudicate upon pauper questions.

But on these points no improved system has been matured by us; and, after much reflection, we doubt whether any change, short of a total repeal, would effect a very sensible reduction of this class of expenses.

All which is respectfully submitted.

LEVI WOODBURY,
THOMAS WHIPPLE, JUN.

June 9, 1821.

MARTIAL LAW.*

THE chair called the committee to order, and directed that the bill of rights should first be read through, and afterwards be read by clauses.

[The bill of rights was here read.]

Article 34 reads thus:

"No person can, in any case, be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the military in actual service, but by authority of the Legislature."

* A speech made in convention to amend the constitution of New Hampshire, 1850, against the power to declare martial law.

Judge Woodbury moved to strike out "but by authority of the Legislature," which, he said, authorized the Legislature to apply the law martial to citizens in private life; and he would allow no Legislature to apply to him the cat, at the drum's head. This could not be done without abolishing the whole constitution; and the power was not necessary. It would not be tolerated, except in cases of war; and scarcely then, even in the army. He spoke of the law martial separate from the military code. The fact was, there was no law martial. It was no law. It was a contempt of law. If we ever get into such a state of society that any man must be tried at the drum-head by a court martial, the foundation of society was broken up. This power belonged to the General Government in time of war, if anywhere; but they had never dreamed of applying the law martial to persons in civil and private life.

The motion prevailed unanimously.

PROTESTANT TEST FOR HOLDING OFFICES.*

Being opposed to the test, that some of our principal offices shall not be filled except by persons of the Protestant religion, I ask leave to offer a few reasons for it. I do it quite as much to vindicate our fathers in part for inserting it, as myself for resisting it. Constitutions, it is conceded, ought to be durable instruments, being the great fundamental laws passed by the people, and lasting at times, as ours has, without a shadow of a change, for half a century; yet I am willing, when a provision like this becomes hostile to the tolerant spirit of the age and a more enlightened public opinion, to expunge it at once from our system of government. I do this, too, the more readily at the present moment, in order to present another illustration to the world how easily laws, and even constitutions, where objectionable, can be changed and rechanged in this free country, without a resort to violence, and to measures treasonable to public liberty, and the safety, as well as best interest, of our blessed Union. Nor is it that I oppose religion, but support it. I am neither deistic nor innovating rashly.

On a little examination, it will be found that this test crept into the constitution originally under a temporary impulse, and without having

* A speech made in State convention to amend the constitution of New Hampshire, 1850, against religious tests for holding office.

any influence on the affairs of the State practically, as they then stood. This is the vindication of our fathers.

Tradition says—and I probably had it, in early life, from the venerable parent of the member from Epping (Mr. PLUMER),—that parent, the Nestor of the politicians of that generation, and sole survivor of the convention of 1791—that the provision was inserted, in 1784, to repel taunts which had been flung out by some, after the French alliance, that there was to be an alliance also with the French religion, and the establishment of it here. The provision fell then still-born,—so few Catholics existed in the State. But, in 1791, the impropriety of retaining it on principle became so manifest, that after one or two ineffectual efforts, the convention voted to erase it, and a majority of the people concurred with them; yet not being quite two-thirds, the provision remained, though against the will of a decided majority.

The principle of the test was even then so odious, that, as Catholics increased since in the State, from a mere handful, another convention would, I think, long ere this, have been called for expunging this alone, had they become numerous, or had the test been much more than a *brutum fulmen*, or used practically to oppress them. If any soreness against Catholic persecutions of the Puritans abroad mingled with this, and rendered prejudices stronger with some against erasing the test, they ought, for more recent persecution by Laud and the Episcopalians in England, to have excluded them also. But it was right to exclude neither. Now, under more auspicious circumstances, we have, and I trust will improve, the opportunity to do justice to all. There is now no dread of French influence, or French religion. The rights of all Christians at least to equal freedom and power in our system of government have become a practical question, and should, of course, be settled on broad, enlightened and humane principles. Fifty years, with their discussions and researches and experiments, have poured a flood of light over the true nature of liberty of conscience, and all its great safeguards. Let us, then, do what our fathers themselves would, if now living, under increased light and experience.

How does the question stand, under republican principles of government? By them, constitutions and laws are made more to protect rights than confer them. They are made for protecting liberty, equality, conscience, property and life, rather than to give most of these, or to establish any particular set of religious opinions. This is not that religion is a minor concern, and not, in some view, the greatest for an immortal being, but rather that religion is a concern between God and man, and seldom to be interfered with by governments. Such intolerant interference has caused oceans of blood to flow, and millions to perish at the stake; and was one of the great causes which expelled our fathers to a wilderness, and the mercy of savage foes. The republican government afterwards established here should, if true to republican principles, shield all in their religious tenets, while conducting peacefully, and protect all in their pursuits and worship, however

different, while acting as good citizens; or it becomes suicidal, and, like despotism, persecutes differences of opinions, and introduces the grossest irregularities.

How does the question stand, on the principles of our bill of rights? It is forced to admit that each sect should enjoy, and it does now enjoy here, the privilege to hold property. If to hold that, why not to protect it by laws, which each helps to make? It concedes to each sect the right to sue for injuries to character, for injuries to children and wife, and to worship God in freedom. Why not, then, let them aid in legislating to protect all these? You hold out the husk, but withdraw the kernel. You allow fire-arms, but neither gunpowder nor lead, to load them and make them effective. In the bill of rights you pledge, also, to all sects, equality; but afterwards, by this test, you make all but Protestants unequal. You promise entire freedom of conscience to all, and treat it in the fourth article as so high a privilege as not to be in any way alienable, and yet you leave others than Protestants defenceless as to it, by disfranchising them from filling offices to secure it by legislation.

It is contrary to the Declaration of Independence, and of the very first article in your bill of rights, declaring all men equal. You do not thus give to all men equal privileges. It is, also, in the teeth of the same bill of rights, to say one sect shall not be subordinate to another, and still disfranchise one, or let one hold offices forbidden to others. It is likewise contrary to all sound experience and reason, to say, as we do, that Catholics may vote, but not be voted for; and that they may be well competent for one duty, and not the other. So it is inconsistent to say, as we do, that they may be jurors or judges, yet not legislators; or agree, as we do in the constitution of the Union, that Catholics may be fit and safe for members of Congress, senators, cabinet officers,—yea, presidents,—and yet denounce them as unfit and unsafe at home to represent one hundred and fifty polls in one of our small townships. It is, in truth, much like the great grievance which led to our Revolution,—*taxation without representation.* All other than Protestant sects are virtually deprived of representation, as they are made ineligible to the Legislature. Their opinions and wishes are unheard there from themselves. They are branded. They are driven forth as with the mark of Cain, for servitude and ignominy.

Why not as well explicitly say—and not do it covertly—that none but Protestants are fit for a republic? Why not say that Catholic Maryland is unfit? Catholic Ireland? Catholic France? Why halt at half-way measures? Why not say it is a mere creed in religious faith, and not the mind, heart, morals, which render men suitable for self-government? Or, that we establish government for the former alone, and not to secure liberty, character, property and life?

Indeed, this test debars man from what we allow to the degraded African, as he is eligible here to hold office, as well as to vote. It

seems often to have been overlooked, likewise, that these tests are restraints or chains on those who make them, as well as on others. The Protestant himself cannot now vote here for a Catholic, any more than a Catholic can vote for one, though the candidate may be, on all hands, confessedly the best qualified man for State representative, senator or governor.

If urged that the power to make such tests in constitutions exists, it is no more an argument for the moral and political right to do it, than it is, because we have the naked power, that we have also the moral and political right, to unite church and State, create an inquisition, or, having stripped other sects of the privilege to hold office, to go further, and rob them of equal rights to earth, air, fire and water, and the same hopes and means for happiness, both in time and eternity. One profession alone in business might, on a like ground, be admitted to sit in the Legislature, such as merchants or lawyers. While the present test continues, it is with an ill-grace we can call other countries bigoted, who, like England, have emancipated the Catholics, and made contributions for their education. All the former fears, as to their numbers or political principles, have now become groundless. In most Catholic countries, Jesuitism is banished, and the inquisition abolished, and the Pope himself has become quite a reformer and republican; and Catholics generally are not believed, in morals or the religious sentiment, to be behind the age, or the true standard for public liberty. What other sect shall throw at them the first stone? What one vindicate the present exclusion, and not admit that, if other than Protestant sects had a majority here, these last should not also be stripped of power; and that our ancestors' complaints of penalties and disfranchisements were ill-founded? It is doing what we have always censured in others. The error is, that this exclusion concedes, in principle, that religion is to be regulated by a majority, rather than the sincere conviction and conscience of each individual; or, that only certain sects are moral and intelligent enough to exercise political power, which is fallacious and false, under our systems of free schools and universal education; or, that reason and Providence cannot uphold correct principles, without our feeble aid and our proscriptions; and that Deity, or his adorable Son, need persecution of some sects to sustain and render triumphant pure religion. So, if it be insisted that one denomination must be better and more trustworthy than the rest,—which may as well be done, even among Protestants,—why not trust to that one alone, and proscribe all the rest, though Protestant? Which shall be that special favorite? So, which one profession shall, under a like system, rule?

What sect do Sidney, or Locke, or Jefferson, or Madison, think fit to be trusted with legislative power? How is this, too, in our neighboring republics? Do they thus ostracize a part? On the contrary, they had the experience of the Revolution to aid them, by the Catholic Carrols and Lafayettes, being moral and brave as the most Puritanical; and many others of that creed have fought side by side with

us since, at Chippewa and Bridgewater, and under the walls of Mexico, and shown that their creed is not deserving proscription. In short, without going further into the question now, it seems, to my mind, not only unjust to other sects, but not reputable to us as a people, or to the age in which we live, to retain this test longer.*

PROPERTY TEST.†

THE property test, in our constitution, extends to State representatives, senators and governor. Property is also the basis of the districts for the election of senators. I am against the whole. But I shall now confine myself to the recapitulation of a few reasons why, in my opinion, property should not be made a test qualification for filling those legislative offices. It is not that I am hostile to property, or rashly radical, but would set ourselves and myself right before the world. In the first place, the theory of our government is not, like that of some, founded on property, but rather on population, and intelligence, and morals. It is mind, and not dead matter, which is to rule. Nor is any republic to be sustained merely by money or land, but by "men, high-minded men, who know their rights, and, knowing, dare maintain." It is to be sustained by virtue, knowledge, fidelity to the constitution and laws, till duly altered, and not by speechless idols and senseless earth. But it has been argued elsewhere that the rich are better qualified to fill offices. But, by our system of free schools, intelligence and sound morals are diffused among the poor, no less than the rich; and hence, those without much property are often as well educated for the duties of public life as the wealthy.

The former are not, as in some quarters of the world, serfs or lazaroni, and fit materials for mobs, and insurrections against law and order,

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* Mr. Kavanagh, recently Governor of Maine, and Mr. Taney, Chief-justice of the Supreme Court, were Catholics.

† A speech made in State convention to amend the constitution of New Hampshire, 1850, against the property qualification for holding office.

but fitted, by industry, religion, and acquirements, to give security to society, and to protect well the rights and liberties of all. It adds strength to this consideration, that the class which may possess property, and be able to hold office under this test, are by no means, in consequence of it, necessarily possessed of greater virtue, or information, or patriotism. Gold is not genius, nor is land religion; nor are the affluent here more likely to possess those talents and morals requisite to fill offices well, than persons in middle or humble life, among our village schools and village churches, and the industrious village workshops, and the surrounding village farms.

If the public spirit, the public patriotism, and the public talents, which become most useful in public life, are wanting in either class, it is as likely to be in the wealthy as in those of moderate property. The former are exposed to have some vices which the latter are not. Wealth, also, is far from being always the result of much knowledge, but it is often the result of a lucky accident, or of inheritance; and the possessor of it is quite likely to think more of wealth than of literature or science, to think more of rank than individual merit, and quite as much of his own interests as of those of the community at large. And however much of wealth one may carry with him into public life, it cannot add an inch to his stature, nor put a new idea into his head, nor suggest one guaranty to the rights of the people, unless it be rights connected merely with property. But it is also objected that those not wealthy have not enough at stake to rule well. Let it be remembered, however, in all this, that the man of humble life has at stake in government, and comes into it to protect, quite as important possessions as the wealthy. They are character, liberty, life. They are all these, in wife, children, and friends. They are property, too, in small quantities, but not the less dear for being small. And if he has not a freehold to be taxed and to defend, he has the proceeds of his daily toil, whether on the farm or in the workshop; he has a head to think and will, a body able and ready to protect the property and lives of others at the midnight conflagration and at the militia alarm; and is the bulwark of the State when war assails and jeopardizes the whole foundations of society, — the whole wealth of the rich, — indeed, the whole possessions of the people, and the whole laws and institutions of the government itself.

If all this does not entitle him to be eligible to office,— if it does not give him sufficient stake in organized government, and make it suitable to let others vote for him when considered the most worthy,— then well might we say, with Dr. Franklin, that when the property test thus alone renders him qualified or eligible, and that property be a jackass, it would be the jackass, rather than the owner, that had the power and influence in the government.

It should not be forgotten, in the consideration of this test, that, in expunging it, property will still be protected, and will still exert all its legitimate influences.

Whilst I am against its going further, I am as willing as any person that it should possess every privilege which belongs to its appropriate sphere, and be faithfully protected while it helps to maintain government, and shuns corruption. I do not, like Proudhomme, regard property as robbery, or, like Fourier, think it should be held only in common. Let it, then, continue to exercise the influence which is its natural accompaniment. There let it neither proscribe nor be proscribed; but beyond that, it is its own true policy and good not to intrude or dictate. Nor will it follow, if expunging this test, that men in office will not often possess as much property as this test exacts; but in such case it will be the man, and not the property, that is elected, and receives, and is entitled to, public confidence.

Finally, in our bill of rights, we declare that all men are equal in rights. Hence, we cannot confer privileges on one class, possessing freeholds or large personal estate, and withhold them from others, without an open violation of the cardinal principle of equality. A different course might answer in a country where, in the language of Jefferson, some are born booted and spurred, to ride the rest; but not where, among the Alps of New England, all are born equally free, and equality of rights is considered the great foundation-stone of State and national liberty. By retaining such a test, we tie up our own hands, to place in office at times not the best men. The most popular, the most worthy and useful citizen, in the opinion of all, may still, when an election arrives, happen to possess no freehold, and cannot, therefore, be voted for. The test then operates against the voter himself, as well as the candidate. If, on the contrary, as has too often been the case, the law as to the test is defeated by fraud, — the rich using their property to confer the qualification temporarily on others not otherwise entitled, — the provision is a snare, and aids only the rich and the friends of the rich, and imparts to wealth an artificial and corrupting influence over all our elections. In early life, in a neighboring State, where property qualifications were required in voters, I have for hours witnessed sham deeds made to qualify them so as to change small majorities. Such subterfuges show the evil tendency of such tests, and strip them of all usefulness in exacting in either the voter or the candidate the habits and responsibilities of the real owner of much property. Without fatiguing the convention with more on this occasion, I would only add, that considerations like these have led to the abolition of such tests in many other of our sister States, and in the constitution of the United States, and, in my view, require us to imitate their wise example.

OCCASIONAL LETTERS AND SPEECHES

ON

IMPORTANT SUBJECTS.

42

OCCASIONAL LETTERS AND SPEECHES ON IMPORTANT SUBJECTS,

RIGHTS OF CATHOLICS.*

Portsmouth, N. H., June 30th, 1849.

GENTLEMEN:—I have received a letter from you, making inquiries on the subject of "the rights of Catholics to establish schools and colleges for the purpose of teaching such useful languages and sciences as they may deem proper, together with the exclusive religious doctrines of the Catholic church." As you deem my views on this of sufficient importance to request them, I do not feel at liberty to withhold a reply, considering that there is nothing in the nature of the questions which renders it improper for me to comply, by their connection with the party politics of the day, or their liability to come before the judiciary for decision. This reply will be not in the spirit of an assault on others, who may differ from me in opinion, and especially the majority of the last Legislature of Massachusetts, in refusing to incorporate the College of the Holy Cross, at Worcester, and thus leading you to make the present inquiries. But it will be rather to oblige friends, by answering inquiries of so much interest; and, in doing it, to exercise and express courteously, yet I hope fearlessly, the same freedom of opinion on this subject, as a citizen, which they have done as legislators.

I consider this as a question going in some views much beyond that of mere "*liberty of conscience,*" as usually understood, and to which you allude. Such liberty is guaranteed to all in Massachusetts, by the second article of her constitution; and in most, if not all of New England, as well as in other portions of the Union. Indeed, liberty

* A letter to George F. Emery and others, of Boston, in respect to the incorporation of a Catholic college in Worcester.

of conscience, if restricted so as to embrace only freedom in public worship, is now permitted in Great Britain, as well as France, and several other portions of Europe.

Even in New Hampshire, which has been much censured on account of some provisions in her constitution bearing unfavorably against all not of the "Protestant religion," there is secured, most cautiously, liberty of conscience to Catholics, no less than to Protestants.

Thus, in the second section of the bill of rights, it is declared that "every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason," — "and no subject shall be hurt, molested or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion, provided he doth not disturb the public peace, or others in their religious worship."

But this sacred right, thus emphatically guaranteed to all in New Hampshire, no less than elsewhere, is only one of the rights connected with religion and the progress of civilization, which is claimed by Catholics, in common with other sects, not only in New England, but, perhaps, in all places where exists entire freedom in the worship of God. The other rights usually asked, and asked on the occasion before referred to, are to establish schools and colleges to teach languages and science, as well as their own peculiar tenets of religion.

If these are involved or implied in liberty of conscience, then the right to that includes the right to these; and, in securing that by the constitution, as already shown, these also are secured. But one of these questions or claims may not be identical with the other, nor an inseparable incident. Because, to worship Deity freely is a devotional act of homage to him by each individual; but to instruct others in letters or religion is an act of benevolence towards erring men, and differs in form, if not substance, from the other. But all of these are interwoven and invaluable. Without the power to teach the religious doctrines which Catholics profess to believe to be vital to salvation, liberty of conscience would be stripped of many of its attractions and benefits. So the teaching of letters and science where one's own family and denomination can resort, is highly conducive, if not indispensable, to preserve equal intelligence and power with others in civil life, and that for which liberty of conscience itself is chiefly designed, viz., the enlightened and unfettered exercise of one's own peculiar faith.

More detailed reasons why these rights should extend to the teaching of literature, as well as religion, are, that intelligence, or a good education, especially in those destined, by a collegiate life, to become preachers, is highly useful in liberating the human mind and heart from error. Otherwise, it might be the blind leading the blind. To those not so destined, it is sowing the seeds of all which is conducive to the able discharge of duty in the professions, in commercial stations,

in the arts; and, indeed, by throwing new lights on the whole path of social life, aids the correct performance of duty in every station, from the humblest to the loftiest. The College of the Holy Cross educates young men, by preparatory studies, either for commercial life, the learned professions, or the priesthood, as may be desired; and is not, as are the impressions of many, confined exclusively to the last. It would be a marvel, if the region of free schools, of the founders of the earliest colleges and the printers of the first books in America, should now become unwilling to concede, as a right, the power of any citizens to extend the blessings of education; or should not go further, and encourage or aid all in the duty to manage in the most convenient and effective manner, whether through incorporations or otherwise, the funds raised voluntarily by themselves, or liberally bestowed by others, for such laudable objects, and to extend with them, thoroughly as possible, the rich fruits of literature, science and Christianity.

So far from discouraging this course, it is imposed as a constitutional duty, in both Massachusetts and New Hampshire, that their Legislatures should aid to diffuse both learning and science, as well as religion and morality; and cherish "the *seminaries*" of the former. Thus, in section second, chapter fifth, of the constitution of Massachusetts, it is declared that "it shall be the duty of the Legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all *seminaries* of them." In part first, article third, is the provision in favor of "piety, religion and morality." In the constitution of New Hampshire, part first, sections six and eighty-third, are similar declarations in favor both of religion and literature, as well as the sciences.

In further support of these views, it may be added, that it is one great topic of congratulation to the liberal and patriotic, as to the teaching and support of religion, that in Massachusetts, no less than in most of this country, no union of church and State is tolerated by her people in her constitution. They speak there for the present and all coming ages, till altered by them, and declare, virtually, that no particular sect shall be allowed to have public assistance forbidden to others, — none alone allowed to have liberty to diffuse its doctrines in modes not open to others, — none alone declared entitled to incorporations or donations which are to be withheld from others. "Each denomination of Christians," as will hereafter be explained more fully, it is guaranteed, "*shall be equally under the protection of the law.*"

To be sure, in part first, article second, of the constitution of Massachusetts, towns and parishes are permitted to make provision "for the support and maintenance of public Protestant teachers."

But it will be seen that there is in this nothing prohibitory on any sect of Christians, as a religious society, and much more as a corporation, from supporting their own teachers, or from any society being incorporated for this purpose. And it is still further removed from

any restriction on any religious denomination, being allowed an act of incorporation to manage its property, while educating young men, like the College of the Holy Cross, preparatory to a commercial life and the professions, as well as for teachers of religion. The only restriction in the constitution of either of the States referred to, on any denomination, to form and spread its opinions in the manner deemed by itself most proper, is a restriction imposed on all denominations, — "*not to disturb the public peace, or others in their religious worship.*"

It would be a wonder if such were not the rights and the practice in this country, so proud of its toleration and equal rights, when in England, once armed with her bloody codes against Puritans, no less than at other times against "Papists," the latter, as well as the former, are now allowed to hold office in the army, navy and Parliament, and permitted to enjoy, not only full liberty of conscience, but the right to teach literature, science, and their peculiar religion, in colleges, and receive some proportionate grants of money, even from the public treasury, to assist them in it, as, a few years since, if not before, at Maynooth. It is mere Protestant *ascendency*, not exclusiveness, which is now sought there, though under an alliance of church and State.

The only objection as to the mode of teaching in the College of the Holy Cross, as different from like institutions among Protestants, is not that it is exclusive in what it teaches as true Christianity; for so are they generally. But it is that a more exclusive compliance is required to its forms and discipline, or a stricter attendance on its religious instruction. If this be so, yet no more exclusive adoption of its code of faith is demanded, unless believed in; nor does its course of discipline on the subject prevent many Protestants from sending their children to Catholic institutions, where two of my own have been educated. And if fewer of other denominations attend this than other sectarian colleges, less ground exists for the charge and the fear expressed of their thus proselyting others.

While the Catholics, also, shall neither ask nor receive money from the public treasury, or from compulsory taxation, no ground exists for another objection, that the school fund, or other resources of the State, will thus be diverted so as not to be used for the benefit of all who may dislike conformity to any particular mode of religious worship.

If, after all this, the college at Worcester be not entitled to the rank and to the State endowments of a public institution, with the power of conferring degrees, this furnishes no reason why it should not receive an act of incorporation to manage its own property, and to aid in its course of useful instruction, as fully as any private association may for its purposes. Can it be less entitled to such a facility than every religious parish in the State? than a few bank projectors, or manufacturers, or friends to a branch railroad? Have they not a

right to equal privileges and favors, in respect to their property? Ought they not to be allowed the same, or as great, legislative means and security for their business, as a few inhabitants in some parish, or a few capitalists in some country village or city ward, when the former are, for some purposes, the organ of one-seventh of the whole population of the State, and are devoted to such laudable objects as instruction in letters, science, and religion?

But, independent of the private rights of all useful associations being equal to receive acts of incorporation, consider a moment, if it be not a public benefit to the State, and indeed the whole country, to have its Catholic population, as well as those of other sects, better instructed in letters and science? to have their young men better prepared, by a due "course of studies," for "commercial" as well as professional life? especially as they accomplish the laudable object at their own expense, and with general funds derived from the liberal donations of their own friends. And is it not useful to the public — the whole country — to have them open their doors for all young men of all denominations for a like course of study and preparation, if they are willing to receive such instruction as is given to all, and conform to the discipline of the establishment? Besides these facts and reasons, it must be recollected that legislators in this country should be controlled by the provisions in the constitutions of their States; and, whatever they might have the naked power to do on this subject, when not restrained nor regulated by constitutions, they have by these constitutions no authority to give a preference by incorporations to one denomination over another,— no power to establish a union of church and State with any one of them; and that the whole code of toleration and free principles on which our American institutions rest is opposed to any such discriminations. Most of our constitutions expressly guarantee each sect against any preference of others, in any way whatever. Hence this liberty to teach religion or literature on equal terms becomes a constitutional right in the members of each denomination, and one which Legislatures are not justified to disregard or refuse, any more than any other constitutional right. Thus, in the third article, and again in one of the amendments, to the constitution of Massachusetts, it is explicitly provided that "every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law." So, in New Hampshire, as she is among the New England States to whom you refer, is a like provision, almost *verbatim et literatim*, in the sixth article of her bill of rights, though she is often taunted as the most intolerant towards Catholics. These clauses furnish a new clear and constitutional guaranty against allowing any privileges to other sects which are not allowed to Catholics. It therefore follows, that if Unitarians, or Calvinists, or Methodists, are permitted to have acts of incorporation to hold and manage

such portions of their property as is destined to assist in teaching letters, science, and religion, so as to use it with more convenience and efficiency, and confer honorable diplomas and degrees, it is manifest that Catholics should be permitted the same, in order to be "*equally under the protection of the law*," and to prevent any "*subordination of any one sect or denomination to another.*" So, if the former persuasions may teach the tenets of their own faith only, under such acts of incorporation, as is constantly done, may not the latter? and must they not be allowed to do it, or the equality violated which the constitutions of both of these States secure? If they are all Christians,—if they all believe in one revelation, and trust in the atonement of one Saviour,—is not the constitution of both States designed to be their common ægis against partiality and unequal discriminations? And is not the predominance of one or the other sects to be left to the people, as worshippers and believers, rather than to Legislatures, by unfortunately showering privileges and favors on one which it withholds from another?

When equal protection to all is objected to by some, the reason assigned is, that the teaching in the College of the Holy Cross is exclusively of its own religious tenets, and hence is not to be encouraged by an act of incorporation; — forgetting that, in most colleges, as at Cambridge and Amherst, no less than Andover, or Newton, or Wilbraham, it is also in practice similar; forgetting, too, that it is expected to be similar, as associations of no denomination can be supposed willing, unless hypocrites, to teach what they do not believe; and, though persons of another faith may be allowed to attend those institutions, it is well known that those of another faith will not be allowed to instruct in them; and that conversions to the Catholic religion, one of the objections to an incorporation here, are likely to be less frequent from other sects, the more exclusive they are in Worcester in confining their instructions to their own denomination.

But how unphilosophical is the fear that truth is not likely to prevail where reason is left free in society "to combat error;" that, "crushed to earth," she is not able to rise again; and Christianity itself, the revelation from God, the hopes, promises, and glories of his only Son, cannot triumph, unless aided by feeble man with disabilities and disfranchisements of Catholics! As if our holy, heaven-descended religion could not stand firm, or advance over the earth, with the strong tide of public opinion in its favor, and all its Divine supports, and no persecuting, powerful paganism to thwart or intimidate, when it has spread and triumphed in defiance of the latter, and of every machination of infidelity; and as if our Saviour, or his disciples, ever condescended to ask any discriminations, any peculiar protection or monopolizing assistance, from the civil laws, whether Jewish or Gentile!

But the Catholic religion is believed by some to abound in error, and therefore it is argued that a right exists to treat it with partiality, and inflict on it disabilities. Would not this be persecuting its mem-

bers for opinion's sake? Besides this, it is a matter of constitutional right, and not of mere discretion, that all Christian sects be here treated with equal favor; and Catholics are, it is believed, not denied to have some small claims to be a Christian sect. Were it merely a matter of loose discretion, or expediency, then some of the collateral inquiries might be pertinent and proper which have been indulged in as to the comparative excellences of that and other sects, and the usefulness or expediency of encouraging their colleges by acts of incorporation. As it is, however, a constitutional right, I would only add, in connection with some of the comparisons made against their prayer, that when the Catholics in Massachusetts exceed one-seventh of the whole population, it can hardly be pretended that their importance in numbers is not enough to entitle them to the conveniences and legal protection for their property and rights which are open and granted to other sects. When they already have a college established, funds collected, and a respectable attendance of students, it cannot be pretended that as much occasion does not exist as is usual with other sects for requesting an incorporation; and, more especially, as without it they have been compelled, thus far, with much inconvenience, to have their property held and managed in trust by another incorporated college, five hundred miles distant. When abuses are guarded against by proposing in this incorporation to empower the Legislature to visit and examine all the concerns of the college, and when it must be unjust to future Legislatures to apprehend that all errors will not be speedily corrected, it does not answer to urge the danger of abuse against it. Nor can it be pretended that the course of instruction will be illiberal, narrow-minded, or behind the wants of the age, when this college educates all by a preparation and course of study fitted for commercial and professional life, if desired, no less than for ecclesiastical stations.

In short, are we to be asked to stop before an incorporation, and argue the equal rights of Catholics to it as a sect, on more general grounds of their position in the world, past or present, when the denomination is claimed by its members to have been for several centuries the great depository and sole expounder of Christianity? When some of its clergy, during that period, have been eulogized by Protestants as the most devoted missionaries and martyrs of the cross, in every quarter of the globe? When the revival of letters and the diffusion of civilization over Europe are admitted by all to have been under their auspices? When their tenets now not only predominate in several of the most powerful and enlightened kingdoms there, but America itself was discovered by Catholics, and large portions of it are now peopled by those of that faith, and its doctrine preached by them to improve the semi-barbarians both in Africa and Asia? Under these circumstances, let me again inquire if it is necessary to meet and argue its tendencies, its equal right to toleration and legal protection, or the soundness of its doctrines compared with other persuasions? as, for instance, whether it differs more or less from the standard of those

who landed at Plymouth Rock, than Unitarians do, or Episcopalians? If our fathers, after having felt the lash of persecution from the latter, as well as from Catholics, felt willing to forget and forgive, and bound themselves sacredly to secure liberty of conscience and equal rights to all, are we so much wiser, or more honest, as to be justified in breaking their solemn engagements? If, as their opponents charge, Catholics, at some places and times, have slid into abuses and persecution, let me ask what sect has long been without abuses, and is privileged to throw the first stone? How few have been without some Servetus burnt at the stake, some Roger Williams driven into exile, or some Bunyan or Baxter imprisoned in dungeons! Or, if this be because some other sects have produced heroes and martyrs and jurists, scholars and statesmen, are we to forget how Catholic Littleton and Bulwer wrote on law, or Sir Thomas More administered it? or how some of the Catholic Edwards and Henrys fought? or how Catholic Fenelons have preached? or how all our ancestors, and, indeed, all the piety, genius, and chivalry of Europe, once bent before the Catholic banner of the cross? Or, in truth, how the early Catholics of Maryland conducted themselves in toleration, compared with the early Puritans of a part of New England?

We are not the apologists of the errors or abuses of any denomination. We merely mean to say that none should criminate or disfranchise for what all practise under the temptation of power, when long possessed, and little restrained by law and public opinion. Differ we may, in some respects; differ we do, and differ we must, while independent and free. But I exercise only ordinary candor, in being willing to admit, for Catholics as well as Protestants, that some of their supposed defects have belonged to the ages when they flourished most. Some, too, belonged to the race, or country, or form of government, with which they existed. All sects seem to have acted often as was suited or well adapted to those circumstances; and hence their errors, when occurring, were not so mischievous in their consequences as they otherwise might have been, and, ere long, were usually followed by improvements and reforms, which grew, in some degree, out of improvements in arts and sciences, in manners and governments, and the freer workings of that Divine genius in Christianity, which must pervade, more or less, all sects under its dominion, and produce, in due time, examples of humanity and reforms in society, which are gradually changing the world for the better in every age, and advancing civilization wherever the Bible spreads, and breathes a purer life into the dead bones of heathenism.

This is hardly a time, too, for odious comparisons between Catholics and other religious sects in this model republic of ours, when Catholic countries now lead the van in reforms of government in Europe. Nor is it the time to revive discriminations and buried animosities, prejudices and by-gone feuds; to restore, for example, the annual festival here of burning the Pope in effigy, or "popish coffee-

houses, where," according to Macaulay, in England, "good Protestants believed Jesuits planned over their cups another great fire, and cast silver bullets to shoot the king;" when we are just fresh from public meetings, called by all parties, to eulogize the Pope as having taken the lead in political improvements in Europe, and when the seat of his power, both temporal and spiritual, has become the seat of liberal principles, and this country, without regard to sect or party, is preparing to give triumphal processions, and shower princely hospitalities, on the Catholic Father Mathew, for his labors in one of the greatest reforms of the age. But it seems rather to be an era to vindicate among us the equal rights of all belonging to the great brotherhood of Christianity, to exert our sympathies for all, and encourage concord and peace with all, since one revelation and hope are the guides and support of all. It seems rather a fit occasion to show how all, though differing in details, may yet harmonize, and enjoy like privileges in peace, through the love and fraternal spirit of the Gospel of peace, which they all profess to inculcate. We can thus demonstrate that the very abundance of sects is a great security against overgrown power and oppression by any one of them; and can, as we should, and can in this way only, uphold with success and impartiality the great principle of equal toleration guaranteed by our fathers to all Christian denominations. This great principle of equal toleration involves, as we have before seen, equal protection by law to all, and constitutes one of the chief corner-stones of our free institutions. Well might our fathers so establish it, not only from their own sorrowful experience in a different course, both in suffering and inflicting persecution, but from the beauty and justice of the doctrine itself of equal toleration and equal protection, and from the reciprocal advantages derived from it in our Revolution, and which then foreshadowed so strikingly in battle and public council what has since been repeated in every station in society. Catholic Carroll then signing the Declaration of Independence, and defending our liberties in Congress; Catholic Lafayette bleeding for us at Brandywine, and hundreds of the same faith since helping us to conquer at Chippewa, and to plant our flag on the battlements of Mexico; and myriads of them to aid in less brilliant, but not to be forgotten triumphs, such as felling our forests, building our railroads and canals, and filling every department of useful industry.

You inquire my views as to certain rights of Catholics in New England generally, and I have answered chiefly as to Massachusetts and New Hampshire.

I have done this because none of the thirteen States situated in New England made constitutions early, and which were likely to be tinged with some ancient prejudices against Catholics, except those two States. Connecticut and Rhode Island continued to act under their old royal charters, as constitutions; and Maine formed a part of Massachusetts; and Vermont, a part of New Hampshire or New York.

Whatever, then, may have been done by the last Legislature of Mas-

sachusetts, in refusing to incorporate the College of the Holy Cross, at Worcester, let none taunt her people at large that they have by their constitution forbidden such an incorporation. On the contrary, by that the doors are open for equal protection to every religious sect of Christianity, and all possess an equal right to facilities for instruction in letters, science, and piety, with the single apparent exception, before explained, as to public ministers in a parish being allowed to be supported by taxes, if Protestants, and if their hearers please. Nor is there a tithe as much of hostility as has been represented, to those of the Catholic faith, in the constitution of New Hampshire; and much less among her people, and none whatever in her general laws and general history. It is confessed she has one provision beyond that in Massachusetts, and copied from hers, on the subject of the Protestant religion, which is objectionable, but which is not known ever in practice to have been used to countenance the exclusion of Catholics from the equal enjoyment of any right, much less such as are now under consideration. They are still, in other parts of her bill of rights, guaranteed in full liberty of conscience, and in the equal protection of the laws. They are not debarred from the equal rights of suffrage with all other sects; nor has their right to hold office, from the highest to the lowest, to or under the General Government, as inhabitants of the State, ever been interfered with. And they may hold all State offices, judicial, ministerial, and financial. But, in an unlucky hour, in 1784, in her second constitution, there happened to be interpolated a qualification for her legislative and chief executive officers — only two classes — that they should be of the "Protestant religion." The cause of this anomaly, and one so directly contradicted by other parts of the constitution, it is difficult to discover, after more than a half-century, and without any printed journal or debates of the constitution.

Why should a Councillor be required to be a Protestant, and not a Secretary of State, nor a Judge of the Supreme Court? The only solution of the riddle for inserting the provision at all, or, if at all, in so restricted a form, is that handed down by tradition, viz., taunts flung out by the enemies of independence that the French alliance was meant to introduce the Catholic religion, and those qualifications were introduced to disprove such a design. Less was probably thought of its errors in sound theory, as nobody was likely to suffer from it,—no Catholic church then existing in the State, and probably not a dozen scattered members of that denomination. But, being wrong in theory, though nugatory in practice, and there being some increase of Catholics within the last twenty years, many of the opponents of these provisions have attempted their correction, and labored, with myself, by pen, tongue, and vote, to get so illiberal tests expunged. We did not help to introduce them in 1784, being most of us then unborn; nor help to retain them in 1792, the time of the last revision of our constitution, being then most of us in our cradles.

It must be remembered that this constitution provides for no change except once in seven years, and then not by acting on a single point, but opening the whole to a revision by a convention, and their changes to be sanctioned by two-thirds of the people. No convention since 1792 has been authorized, partly because a majority of the people have been unwilling to risk the expenses and anticipated evils of other amendments, which might be made, for the sake of getting rid of this restriction, so inoperative in practice, and which, indeed, so long ago as 1792, I am happy to be able to show that the majority of her people, as well as of the convention, then pointedly condemned.

Two-thirds being required to make an amendment, after several trials, this test for governor was stricken out in the convention; and the people sustained that vote by 2319 in its favor, and only 1258 against it. But the majority being but 1061, or little short of two-thirds, the exclusion of the test did not prevail, though a decided majority of the votes of the people, as well as of the convention, was in favor of its exclusion. A personal examination of the records shows this clearly. Grant, then, that some countenance for unfavorable discriminations against Catholics has stolen into the constitutions of Massachusetts and New Hampshire, and some in the latter which are not in the former; they do not affect the present question, as to their right to have the College of the Holy Cross incorporated; and where they bear against it all, by way of analogy, are overruled and contradicted by the paramount provisions, before specified in both States, forbidding any discrimination to be made between different sects.

The convention of New Hampshire, it will be seen by its journal in 1792, foresaw and predicted this conflict. But the only safe rule of construction, in such cases, is to let the causes in favor of equal rights and the largest liberty prevail over others of a more restricted character. In another clause, part first, section sixth, of her constitution, in connection with this topic, the people of New Hampshire carefully forbid the compelling of any sect "to pay towards the support of the teacher or teachers of another persuasion, sect, or denomination." And her celebrated toleration act of 1819 guarded well against evasions of this, and secured well to all sects their constitutional exemptions. Indeed, every citizen of that State may feel a pride in the liberality of her constitution in most other respects, and that she has the credit of forming, in December, 1776, one of the first constitutions in the Union established after our independence, though some of the timid and wavering then protested against the step, because the large States, such "as Virginia and New York," had not taken the lead.

It will thus be seen, in these hasty remarks in reply to your inquiries, that I do not concur in the views of those who refused to incorporate the College of the Holy Cross, at Worcester; and that, in my opinion, the Catholics possess rights to establish schools and colleges, to teach letters, science, and their own religion; and are, by the con-

stitutions of Massachusetts, New Hampshire, and, it is believed, of every New England State, guaranteed equally to have all legal aid to exercise those rights which is given to other denominations of Christians.

Respectfully,

LEVI WOODBURY.

PUBLIC SERVICES APPRECIATED.*

Boston, 10th April, 1841.

To the Honorable Levi Woodbury.

Sir: — On your return to your home, after having retired from the public trust, which has devolved upon you as the Secretary of the Treasury under two administrations, the Democratic County Committee for Suffolk avail themselves of your passing through Boston to express their high sense of the fidelity and perseverance with which you have adhered to and carried out that most important of all the democratic measures now at issue — *the separation of the government from the banks.*

Whatever may be the substitute or changes which the present temporary administration may propose in the keeping of the public moneys, it will be matter of congratulation that the administration of Mr. Van Buren, during your direction of the treasury department, practically demonstrated the entire safety, facility and sound and wholesome effects, of the independent treasury system, thus entirely exploding the pretext which so long deterred the people from declaring a national independence of the banks,—that the public revenues could not be kept and disbursed without their direct agency.

In leaving the treasury free from embarrassment, with ample resources for an economical administration for the present year, you have the satisfaction of having left no grounds of just complaint to your opponents, while you have merited and secured the approbation of your friends. Looking with entire confidence to the restoration and

* Correspondence with the Boston committee, in regard to his public services as Secretary of the Treasury ; April, 1841.

firm consolidation of those democratic measures and principles which you, with the other members of the cabinet, and the executive, have so perseveringly and honorably sustained, we are, with high respect, your obedient servants and fellow-citizens,

CHARLES A. MACOMBER, *Chairman*, and
A. L. CUSHING, *Secretary of the*
Suffolk Democratic County Committee.

Portsmouth, 17*th April*, 1841.

GENTLEMEN:—I beg you to accept my best acknowledgments for the congratulations you offer, on my return home, and the favorable manner in which you are pleased to speak of my public services.

As the democratic committee for the ancient and honorable County of Suffolk, you express views concerning the safety and wholesome effects of the independent treasury which are entitled to great respect. They have certainly been confirmed by my own experience.

A national bank appears to be the only substitute generally proposed by the opponents of that system. But, aside from the constitutional objections to such an institution, and the wide-spread calamities which have followed the management of the last one, if another shall be recommended, on the ground of its being necessary to the fiscal operations of the General Government, the democracy of the country can, like you, point to a practical refutation of this pretence. During the long period of my official connection with these operations, though embarrassed by extraordinary commercial revulsions, the very large collections and disbursements were conducted with promptitude, the whole seven years, without the aid of a national bank for a single day.

Should it be urged further, that such a bank is necessary to a sound currency (though the General Government has no power over the latter, except to coin money), the same period furnishes a signal contradiction to every such argument. For that government, notwithstanding an opposition exceedingly active and virulent, has succeeded in obtaining and using a good currency, in all its vast, wide, and ramified concerns, during the whole period it has ceased to employ a national bank. Nor need any State Government ever suffer for the want of a sound currency, if its Legislature has the wisdom to require one, and its public officers possess the firmness to enforce such requirements. The fault, as to the currency, is occasionally in the community itself; when overwhelmed in debt, it yields to a depreciated circulating medium from dependence on those who issue it, or from greater ease both in procuring it and in extinguishing with it their burthensome liabilities. At other periods, the fault is in the agents of the community, who either enact laws founded on bad theories, or, if on good ones, fail to execute them fearlessly in bad times.

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Should a national bank be once more attempted to be forced upon the country, under a pretence of its being necessary to sustain public credit — (I mean, by credit, not mushroom speculations, or bubble hopes, but real, honest confidence, grounded on some substantial basis of property, labor, or considerate enterprise), — let the same democracy point to the same period to confute this pretence also. Let them point to the high pecuniary standing of the General Government, during the last seven years, not only without the assistance of a national bank, but with all its formidable power arrayed in bitter hostility. Yet, under such disadvantages, that government has gone through some expensive wars; defrayed large current expenditures; executed numerous great public works; extinguished Indian titles to many millions of acres of land; paid off, instead of having created, a permanent debt; deposited surplus millions with the States, and sustained its credit so high as to have it sought from all quarters, in aid of others, at the close of the late administration, to which you so kindly refer. Without enlarging here on this description of its financial affairs, so different from the fancy sketch we have often seen exhibited of its great discredit, utter bankruptcy, and burthensome debt of forty millions, let me ask, if this last has been or is the disordered condition of its finances, how could it have placed with the States near thirty millions of surplus, after defraying all its own expenses? how could the assurance exist now to ask from it millions more? and how could States or capitalists so earnestly seek, as better security, its mere promises and assumptions for others, to the extent of millions on millions more?

Under our complex system, a great mistake at home, as well as abroad, often occurs from confounding the constitutional distinctions between the powers, rights and duties, of the General and of the State Governments. The latter have, it is true, in several instances, during the above period, exhibited a picture of very different hue, in respect to monied affairs, from that of the former. They must continue to do this till they alone apply the proper remedies, as they alone possess the legal power. The General Government, strictly limited by our fathers, and with much jealousy, to a few specified objects, should, of course, not act beyond its assigned sphere. If operating within that with fidelity and wisdom, seldom will it fail to insure prosperity to its own functions, and security for all the interests intrusted to its charge. But any encroachment on the reserved powers of the States tends inevitably to prostrate every vestige of State rights, and, by usurping authority not delegated either by the people or the States, it betrays them, and is guilty of gross oppression. In such an event, a consolidated government for the whole Union must follow, and end our career in practical monarchy, or in disunion and miserable anarchy. How near we may be to one of these catastrophes, time only can develop.

But, as you justly intimate, come what may, no event can rob those

connected with the last administration of the General Government of the satisfaction which results from the eligible condition in which they have left its credit and resources, by means chiefly of their scrupulous adherence to all the requirements of the constitution. By the removal of the deposites from the United States Bank, and the adoption of the independent treasury, which are usually cited by our opponents in contravention of this position, no powers were exercised except such as were expressly conferred; and, at the same time, the guards and securities for the public revenue have been increased. Instead of thus uniting the powers over the purse and the sword, they have been, by new legal provisions,—passed too on executive recommendation,—more thoroughly separated than ever before; and the executive control over the principal keepers of the public money has been diminished, by requiring the sanction of one House of Congress to their appointment in each case, instead of leaving their selection, as formerly, to the uncontrolled discretion of a department, or the will and caprice of bank stockholders. As one of the administration which has introduced these salutary restrictions, rather than usurped additional powers, I return you sincere thanks for the flattering approbation you are pleased to bestow on us all, on account of that measure. It was a measure which will bear the scrutiny of time, and was in strict accordance with those democratic views of the constitution,—whose early and wide restoration I can heartily unite with you in desiring,—as explained by Jefferson and Madison themselves in the memorable contest of '98, rather than the opposing but open and manly principles of the Hamiltons of that age, or the false glosses since put on the former, whether by temporizing expediency, unscrupulous ambition, hypocrisy or apostasy.

With great respect,

Your obedient servant,

LEVI WOODBURY.

CHARLES A. MACOMBER, *Chairman*, and A. L. CUSHING, *Secretary of the Suffolk Democratic Committee.*

GENERAL PRINCIPLES OF FREE TRADE.*

SEVERAL of the ablest minds in the civilized world, during the last half-century, have been devoted to the discussion of the principles of free trade. Little, therefore, which is original and striking, can be suggested on this topic at the present day. But, from peculiar circumstances, the subject is not without interest in this country; and a revision of some of its general principles may, on this occasion, do some good in helping to correct errors concerning them, both in public opinion and in legislation.

The misapprehensions about free trade are here the worse to cure, because mingled, in some degree, with the creeds and prejudices of political parties. But though painted so often as a Gorgon or Hydra, this kind of trade seeks, as a general object, only liberty in commercial intercourse. Is this not reasonable — right? Surely, the owners of property ought to be allowed freely to make exchanges of what is their own. In a free government, such liberty would not seem to imply anything either very absurd or very criminal. But the opponents of free trade wish, at times, either partially or wholly, to prohibit such exchanges and sales; at other times, to confine them to particular places, persons, or articles; and at others, to subject them to regulations vexatious in character, and burdens highly oppressive.

Hence, a different meaning has been given to free trade, in different countries and at different periods, according as its friends are then struggling against one or another species of restriction. It happens thus that sometimes the term is applied to trade free in all respects, absolutely and unconditionally; while, at others, it is used in a qualified or limited sense, such as trade free from high taxes or unequal ones, and exempt from prohibitions, as well as regulations very onerous and embarrassing. But the express provisions in the constitution of the General Government are such as to render it unnecessary to examine here several incidental questions intimately connected with the principles of free trade elsewhere. Among them is one whether the home or foreign trade should be made most free; as here both are alike permissible by the constitution, and the impolicy of interfering, so as to restrict or diminish either, is believed to be clear, and will soon be fully considered.

Another question, very material elsewhere, is, how far a tax on exports conflicts with free trade? But this possesses little interest here; as here no burden is ever attempted to be imposed directly on exports either to foreign countries or neighboring States, it being expressly prohibited by the constitution. This is fortunate; for nothing short of that wise prohibition would probably have been able

*A Lecture delivered before the "New York Free Trade Association," March, 1843.

to prevent the disturbing interference, long ere this, of a system of discriminating duties on exports, more sectional, partisan, and odious, than that which has sometimes burdened so heavily our imports.

But, without entering upon other details connected with the peculiarities concerning commerce under our forms of government, it may be useful to review the general principles of free trade, as applicable here, in two separate aspects,— one belonging to our intercourse and exchanges of property at home, and the other to those abroad. Respecting the former, the system of domestic commerce in this country is much freer than that in most portions of the world. We have no prohibitions even as to alien merchants or alien capital embarking in it. Nor does a single restriction exist on our own people, concerning their residences or occupations, like the castes of India and Egypt. No tolls between different States. No transit duties. No city exactions at their gates. This is all as it should be, and as the true principles of free trade demand, no less than the advancement of our country to those high destinies which belong to, and will thus accompany, its liberal institutions and great natural advantages. Hence, the growth of our home trade has, thus far, been not only larger than our foreign, but unparalleled in history. Untaxed and unfettered, as to either merchandise, places, or persons, it has swollen so as to create a demand, from only a few vessels at first, to fleets of them, constituting a mass of tonnage, in the aggregate, exceeding one million and a quarter. This includes an increase, in the way of steam-vessels, from nothing, forty years ago, to the vast number of near a thousand now, and some of them as large in size as formidable ships of war.

The rapid advance of the tonnage employed in our domestic commerce may be imputed by some to the regulation requiring it to be American; but, in fact, the whole amount has probably become no greater than it would have been, if left entirely open and free; since the quantity of tonnage is varied by the quantity of freights and business, rather than they by the tonnage. This home trade, too, has penetrated all our navigable rivers, however remote; stretched along not only two thousand miles of sea-coast, but covered immense inland lakes — interior oceans; and it is remarkable how nearly it has approached the gorges of the Rocky Mountains, and how eagerly it aspires to cross, by caravans, boats, and portages, through a line of forts and settlements, even to the Pacific. This will appear the more striking, when we reflect that, less than a century ago, our fathers assembled at Albany, as nigh a frontier, to plan the best system of colonial union for mutual defence against savage aggression; and that now, St. Louis, a thousand miles further west than Albany, is but a halting-place for business and supplies, to be pushed still thousands of miles further.* What but freedom — untrammelled freedom — could

* An anecdote, illustrating this, may not be without interest. Only the last autumn, I saw in the family mansion of Mecheck Weare, one of the delegates from New Hampshire to Albany on that occasion, the deer-antlers brought home by him from that mission, and which are carefully preserved by his daughter, now ninety years of age.

ever have pushed forward, with such rapidity and greatness, all this immense interior trade, throughout every inhabited portion of our two million and a half miles of territory?

The other meaning of the term free trade, which is interesting here as a practical inquiry, relates to the liberty of commerce abroad that is enjoyed by the citizens of this country. What is our policy in that respect? what are our rights? and what are the restraints on them by usage or by legislation, whether at home or abroad?

In relation to this branch of commerce, the friends of free trade here have always advocated the largest liberty. From the start, the whole American people, after becoming an independent nation, evinced unusual solicitude on this subject, in consequence of the colonial vassalage which had been long imposed on them, and had restricted their commerce so exclusively to the mother country. Throwing off this, with other galling yokes, their motto early became that embodied so beautifully by Jefferson, and worthy to be set in letters of gold: "*Peace and friendship with all nations; entangling alliances with none.*" Persevering in this, their commerce abroad was much aided by the long continuance of wars in Europe growing out of the French Revolution; and this system and those wars, combined, flung into the hands of the United States, as the greatest neutral power, almost the whole carrying-trade of the world. In only twelve or fifteen years, they pushed our commercial growth to an extent unprecedented in the annals of mankind. They swelled the tonnage employed in trade abroad to a greatness never, in our brilliant and most prosperous career, since attained even by ourselves, till a few years previous to the present moment. They increased, in a like manner, our commerce and freights. The aggregate of imports, for some years, exceeded even the amount two or three years ago, and went many millions beyond what it is now. Another striking illustration of the portion of this navigation under the principle of free trade, and without which it could not have existed, that has been devoted to the business of other nations centring here (and not including the freights by us between foreign places), half of our whole large imports at that period were again exported, and carried to every sea and people whose necessities, comforts, or luxuries, created a demand for them.

This position, so favored and fortunate, became, at last, the envy of belligerent Europe; and, uniting with other causes, provoked orders in council, impressments, Berlin and Milan decrees, unjust confiscations, paper blockades, and a series of tyrannical sequestrations, disfiguring history and civilization some thirty years ago. Then, for the first time since our independence, we were compelled to defend our rights, as a nation, to that free trade on the ocean which had been found not only so consonant to our republican principles, but so conducive to our national growth. Then, for the first time in war, was unfurled to the breeze in every sea that glorious flag bearing for its motto the essence of the whole contest, "Free Trade and Sailors'

Rights." That flag conquered in regard to this part of the struggle; and in no crisis, during the quarter of a century since, has any power, European, Asiatic, or American, ever ventured to renew such a series of aggressions against free trade. So far from this, the firmness, perseverance, and inflexible adherence to our rights, which characterized, in that struggle, the great captain immortalizing its close at New Orleans, again were displayed by him in defence of the same principles in the public councils, while he held the helm of State. Again, too, it succeeded; and under his administration were secured indemnities for all those aggressions on our free trade by every offending country in Europe, where the claims had not been merged in actual hostilities.

The rights of neutrals thus became better understood over the civilized world. The principles of free trade became more widely acknowledged. Liberty of intercourse on every sea is now, in consequence, better protected. Every nation has, and exercises now, the same right with the haughtiest, to make her march "over the mountain wave — her home upon the deep." The ocean is now the practical, as well as theoretical, highway of nations; and any encroachment attempted, in this age, against such freedom, would justly excite, not only an armed neutrality in the north of Europe, but hostility over all Christendom; and the national power, however great, and circling the globe as it may with its flag, that shall dare again to disturb a principle so well settled in national law as free trade on the ocean,— whether she do it by orders in council, or odious visitations, or rights of inquiry pushed into insolent rights of search,— she will arouse not only the indignation of other powers, but sap her own vast moral as well as political influence, and earlier fall unpitied and unwept.

As soon as the war of 1812 terminated, our sagacious statesmen sought, by all possible means consistent with public honor and the public welfare, to secure a permanent establishment of free trade between us and other nations. They regarded it as the strongest security for the rapid growth of all our great interests. Mutual privileges were therefore invited and guaranteed, treaties of reciprocity encouraged, and the road smoothed in various ways to that liberality in national intercourse which is so vital to prosperity, letters, civilization and religion, as well as freedom. It is destined to prove the glad herald of them all to all people. This policy was calculated to open the eyes of the rest of mankind gradually to the utility of promoting a similar spirit in their foreign relations. The intelligent and far-seeing perceived that it would tend first to abolish everywhere, in commerce, the substitution of mere might for right. All oppressive tolls, under cover of sound dues, or light money, or close seas, would in time cease. All seizures, under the impotent plea of State necessities, would be proscribed, retaliatory prohibitions be deemed suicidal, permanent non-intercourses be hooted at, and Japanese exclusions be prostrated. In the train of all these reforms would come next a spirit

of enterprise, truth, and reason, which, ere long, must penetrate even the ridges of the Himalaya Mountains; carry thither useful fabrics from abroad as freely as to the Alleghanies, or Alps, or Andes; explore thus the hidden recesses of China; and, in time, open the heart of Africa to a liberal foreign commerce, and accompany it with a higher civilization in the place of savage slavery. It will prove to be the only effective mode to abolish man-stealing and the traffic in human blood, as it will substitute for such atrocities a better and wiser code of faith and practice; cultivate more suitable articles for consumption; furnish better examples; make commercial exchanges of the products of honest industry, instead of the captives of war or the spoils of plunder; as well as cherish, in all things, a more enlightened sense of right, duty, and humanity.

Again, under such influences, we shall no more behold a continental system in Europe consigning to the flames useful and costly merchandise on account of a dislike to its origin, nor the condemnation of innocent neutrals for having unwillingly been spoken to by a belligerent on their voyage, or for using in their cabins merely a carpet or rug of hostile manufacture. Nor, again, shall we witness, in civilized regions, white men kidnapped by impressment, and forced to fight against friends, or serve a government they loathe, and defend principles they abhor. Indeed, coursing over the annals of all ages, we shall find that half their wars have either originated from hostility to free trade, or would have been prevented had truer notions of political economy prevailed. It is national partiality, unnatural restraints, retaliatory obstacles, and false theories and practices, of one kind and another, in trade, which oftenest excite disaffection at first, then complaint, and, in the end, collision and violence. Commerce, like water or air, cannot be long deprived of a free circulation without fatal maladies to business, as all of them naturally and healthfully seek a level or equilibrium. If governments aim at exclusive privileges over others, or attempt monopolies, or resort to prohibitory restrictions on the exchange of useful articles, or throw fetters of any kind over freedom in foreign intercourse, they often injure themselves the worst. They cut off their own people from all those practical blessings of free trade which are neither few nor small; for trade of that kind, as defined by me, is not what some ridicule as a mere abstraction. It is not a *beau ideal*, never to be realized, or Utopian, but frequently exists, and involves principles which come home to our business and bosoms in daily life; and if laws are equal, just, and reciprocal, as they should be, those principles are felt in the market-house, the workshop, and in the street or plough-field, and on the ocean as well as the land. Hence, if we can sell any of our exports higher in France than here or in England, and purchase articles imported lower in England than here or in France, is it not, as a general rule, clearly our interest to do both? Why, then, should laws or treaties be made to counteract either? Freedom of commerce, in this way, is the life-

blood to both purchaser and seller; while restrictions or prohibitions, under the idea that all nations must buy or sell at home only, or buy only where they sell, however patriotic in design, are unphilosophical and crude,—are fatal to commerce, and sacrifice the prosperity of the whole and the best interests of society to narrow or selfish views. One of the least mischiefs from such a course has been the wars thus engendered, and the lives and wealth thus wasted. For, beyond all that, it has been prolific in other evils. How? It has obstructed the wider diffusion of arts and letters, and, in many countries, retarded the progress of civilization itself for centuries. Indeed, it will be found, through the whole annals of the human race, that all kinds of improvement have been most rapid where commerce was freest and greatest; and that it seems as useful to advance man from barbarism, as are winds, waves, and steam, to promote navigation. Without it, as without them, there may, to be sure, be motion and intercourse; but they would usually be slow, awkward and unprofitable, rather than forward and upward, in a manner aspiring to conquer all other difficulties, as well as time and space. You can see, with a little calculation, that not a tithe of the population of many ancient and modern cities could have been maintained at all, much less so highly improved, without the aid of a large and liberal foreign commerce. And if the lessons as to the growth of Tyre and Carthage, Venice, Genoa, and Antwerp, are wasted on us as a nation; if we become exclusive, captious, and prohibitory, in our intercourse abroad; if we move backwards in the cause of free trade, while much of Europe is moving onward, — yearly diminishing some of its rigors, and getting more of our locomotives to facilitate intercourse, as well as more of our free trade principles, — we shall, ere long, be outstripped in every kind of improvement. We shall even be distanced, instead of running, as becomes us under our free institutions and great natural advantages, first among the foremost in all which is progressive, liberal, and glorious.

To be convinced that half our elements of growth and greatness are likely to be lost if we indulge in hostility to foreign commerce, it is only necessary to reflect a moment that this kind of commerce, for which freedom is desirable in the broadest sense, is that which brings home to us the comforts and excellences of all climates, which carries ours to all. It thus increases their value and enriches us, while it obliges, liberalizes and improves, both ourselves and others. It is this commerce which found a new world. It is this, too, which opened a new ocean-path to India, which doubled both the great capes of both continents, and is discovering the thousand islands of the Pacific, as well as penetrating the icebergs of the poles. It is the spirit of this commerce which alone, as before intimated, can not only carry high civilization into the heart of Africa, but pervade Japan and all branches of the Mogul race, surmount the Chinese walls of high protection, throw open one-third of the whole human race to new influences, and

diffuse, permanently, better arts, letters, and religion, among the four hundred millions of slaves, bigots, and savages, who yet constitute half the family of man. Religion may alone preach through her devoted missionaries, and the schoolmaster may wander abroad wider and wider; but they will avail little, unless the spirit of this commerce precedes them as a pioneer, or accompanies them for defence and practical blessings, as well as to keep interest fresh, and intercourse open, frequent, and durable. Otherwise, millions after millions may continue to die as immured and unelevated in the scale of human rights, as countless convents of the Jesuits have, for ages, in both hemispheres of the globe. It is this same spirit, free, fearless, and indomitable, which has already broken down the feudal system over much of Europe; closed, in most places, the dungeons of the inquisition; and aided everywhere to prostrate the idols of Paganism, and disseminate light, literature, and a purer faith.

Another civilizing effect of foreign commerce has been colonization, and, in its train, the substitution of refinement and arts for the rudeness of barbarism. In the newly-colonized regions, the plough soon supplants the spear,—the loom, the arrow; and all the comforts of a more advanced society take the place of the nakedness, starvation, ignorance, brutality and sufferings, of savage life. It is true that other objects have led to the establishment of some colonies in both ancient and modern times, and others still have been mixed up with those of commercial gain; but commerce has oftenest been the predominant motive, and, as free or restricted, has pushed forward, faster or slower, an increase in wealth, numbers, and glory. Eventually, if their trade continued to be entrammelled too much, the love of greater freedom has entirely prostrated every barrier—asserted independence; and a larger liberty in commerce, as well as government, has not only been vindicated, but bravely established. Then, like us in our colonial state, they have taken their independent stand among nations; and, like us, in Greece from Egypt, or in Carthage from Tyre, or the south of France and east of Spain from older portions of the shores of the Mediterranean, they have combated the tyranny of colonial parents, and, by freer systems of trade, not only increased in power and fame, but proved able to sustain separate sovereignties, and advance, with rapid and improving strides, the destinies of our race. In short, looking to freedom of trade in foreign intercourse, each nation best promotes its own interests in a durable manner, by allowing every other one in that respect to be equal, and establishing such free communication between each as ought to exist between individuals of the same nation.

We are accustomed, in commendation, to speak of the great republic of letters; but commerce forms a republic still wider. It often precedes, and always fosters letters. It defends, as well as often diffuses, a purer religion; and is out of place if it tolerates either political inequality or social injustice. Obstacles to the free intercommunication

of all people, and the free interchange, among all, of what each may need and each can spare of the surplus productions of each, not only vanish before it, but, till this liberal intercourse is established, all climates, soils, and pursuits, are not united as a whole in the sympathies and benefits which should bind together the human family, and are not, as duty requires, perfecting as much as possible the whole, by making each part beneficial and coöperating. Till then, the strongest guaranty of peace and security against war is not obtained by rendering it injurious to each nation mutually to disturb the commerce or tranquillity of any other, bound together, as they would then be, in the golden chains of reciprocal and useful trade.

Leaving any further consideration, separately, of the true principles of free trade as connected either with our domestic or foreign intercourse, I hasten to the only remaining branch of the subject proposed to be reviewed on this occasion. It relates to a matter of no less interest than the regulations which governments possess the right, and which it is expedient, to make within their limits, bearing indirectly on freedom of trade, whether interior or exterior. It is, whether those regulations ought to be liberal or contracted, equal and impartial, or the reverse, free or slavish; and when not free, but shackled by partial privileges, prohibitions, unjust discriminations, and other kinds of interference, invidious and fallacious, what are their fatal tendencies to society at large and all its best interests, as well as to commerce?

In this view of the subject, the true principles of free trade require that every citizen be allowed to embark in the business of commerce, no less than in every other honest pursuit. There should be no disfranchisements on account of birth or residence, no personal vetoes, no tabooing of different sections of the country, no monopoly in families, tribes, or particular cities, no long apprenticeships exacted servilely as a right. Skill in business, I concede, is desirable, and morals and intelligence; but these, certainly, are better secured by the stimulus of free rivalship, and the rewards of free enterprise, than by any rigorous exclusions. All employments not open to all are likewise aristocratic in spirit, as well as unequal in operation; and they can more properly be tolerated in monarchical governments, where they originate and prevail most, than in those where all men are born equal, and possess an equal right to seek subsistence and happiness in the manner most agreeable to each. Laws, by partiality, may become as great tyrants as men; and bad legislation is a more wide-spread and deep-seated curse than any bad execution of laws. If one class is robbed, by law, to build up or enrich another, it is still a species of robbery, and is no less unjust suffering than to be robbed without law. So, if one section of a common country, or one branch of industry, is rendered tributary to others by a course of unequal legislation, the slavery is as oppressive and intolerable as if inflicted by the actual scourge, the dungeon, or the chain.

The violation of the principles of free trade, if caused by the restrict-

ive course of some nations as to the commerce and other pursuits of all their subjects, is more endurable than when it is practised only towards particular classes or employments. When the whole community choose to let rulers regulate the occupations and intercourse of the whole, either among themselves or abroad, all will naturally submit with more calmness to privations which are general and common to all. Hence it is that the citizen of Canton or Pekin cares but little for free trade, and as little does the merchant of Japan, or a bazaar-owner in Constantinople; because they see around them all others equally restrained, and because they are humbled by despotism to submit, in all such matters, to the dictation of their rulers. At the same time, tyrants think as highly of their own wisdom in all things as their slaves can; and hence the Pacha of Egypt flatters himself with being as much better a farmer, merchant, and cotton-spinner, than any of his subjects, as he is more powerful; and he presumes to regulate business for them, or to transact it himself in their behalf, as coolly and arbitrarily as would any Pharaoh have done it thirty centuries ago. In that country, once the pride of the civilized world, more than half its population have been extirpated, within a few years, by such a system of misgovernment, and by wars in which the people had no voice but that of suffering. But, under institutions like ours, formed by the people and not their rulers, — for the people and not their rulers, — no power should be confided to the latter to discriminate, in any way, between different occupations, classes, or sections. All legislation ought, therefore, to be equal; and if the constitution of any State enables its officers to favor particular branches of industry, nothing of the kind is expressly conferred on the General Government. The error on this point often arises from hastily taking it for granted that this last government possesses all the broad authority of that of England or Spain; while, in truth, it is much limited, and it is the governments of the States which, for all domestic purposes, more resemble those abroad; though the State officers, at times, are jealously restrained by their people, through provisions in their own constitutions, from any partial, unequal, or exclusive legislation.

But, beside the fact that no right is expressly granted to Congress to prohibit freedom of trade, the expediency of preserving such freedom here is so manifest, from the character of all our institutions and the dangerous consequences of an opposite policy, as to repel any implication of such a right; for, if you permit discriminations and exclusive privileges in one thing, the door is open to them in others, and thus the vitality of a government of equal rights and equal laws is destroyed. The example of such invidious favoritism is not only in other ways pernicious, but, by provoking complaint and reäction, it is suicidal of all the permanent advantages contemplated. The efforts and success of the community, as a whole, are also weakened by it. The energies of every citizen do not run in their most natural channel, and hence not with full force or rapidity. There is, likewise, less

cordiality and coöperation. Jealousies are sown deep, heart-burnings excited, and the public harmony disturbed, if actual violence does not break out. In this way, rather than promoting the greatest good of the greatest number, — the legitimate object of all government, — the aim seems to be the good of a few, the elevation of a few, and the rule of a few, over others equal by nature as well as constitutional rights, and often in all useful acquirements. The hearts of freemen, no less than their judgments, rebel at such injustice. The opponents of free trade, therefore, attempt in various ways to justify their course; and it is due to the vindication of our own principles, as well as candor and justice towards others, to notice as many of their arguments as time will permit.

One of their grounds of defence is placed on a right, given by the constitution, to regulate commerce and impose taxes. But the power to regulate is not a power to destroy. An authority to regulate commerce is, therefore, not one to prohibit it. Regulations must also be uniform and equal, rather than partial and exclusive, like the present tariff. In short, their design, when applied to trade, should be to encourage rather than lessen it, and to impose no restraints but such as are necessary to secure the public health, public morals, and the safe collection of the public revenue. I do not deny, to scarcely any government, powers like these last; and, if fairly exercised, they may, without injury, be extended in almost every country to the exclusion of imports of poisonous drugs,—as, in China, of opium, and as here of obscene prints. But too much regulation, as to anything, is intrusive, vexatious, odious; and the exact limits of such powers, in point of either right or expediency, are somewhat difficult to define, and need not be examined further, on this occasion, for any practical object connected with free trade.

But the other power, to impose taxes, is most relied on by our opponents. Being one that is necessary in all governments, it is, from the wide generality of its use, more likely to be perverted; and has, in fact, been repeatedly subjected to abuses, which have impaired free trade both at home and abroad. It therefore requires greater watchfulness, and closer consideration. The usual method of applying it, so as to trench on the established principles of free trade, is by imposing unequal duties on the imports of foreign merchandise. This comes into operation in a manner directly unfavorable to our foreign commerce; and as those duties indirectly reach, to some extent, our exports, such a tariff bears some on the domestic, as well as foreign trade. Without going here into the examination how far the theory be sound, that all the burden of a tariff falls circuitously on the exports, it is certain that much of it falls on them, if it affects, in common, all who consume the imports, since the producers of the former are the largest consumers of the latter. The right, however, to assess some duties on imports is not doubted by me, because it is expressly granted in the constitution; but the expediency of exercising it on ordinary occasions,

if at all, has been questioned by many on the very plausible grounds that it falls in too large a proportion on the middling and poorer classes, who consume nearly as much of imports, per head, as the rich; that it is very open to partiality, by means of the high discriminations often introduced between the amounts of duty on different articles; and that it is felt but indirectly by the community (though the burden in the end is quite as great as in the other forms of taxation), and hence any extravagance in expense leading to it is less noticed and checked. Yet the States having taxed imports to some extent before they parted with the power entirely to the General Government, and the latter having always used it since, while the States continue to resort to other modes of taxation, the inference seems fair that a tariff imposed by Congress to collect revenue is not only constitutional, but if equal, proportionate, and needed, may be expedient. These qualifications and limitations indicate the extent to which such a tax is permissible, as well as consistent with the principles of free trade; because a tariff on imports, not much exceeding the tax levied on other kinds of property by the States or the General Government, does not prevent trade from being equally free with all other kinds of business. Nor is such taxation unjust; for, when equal, it treats all with like favor, and merely makes all pay, as all should, in a just ratio, for the ordinary protection of life, liberty, and all kinds of property.

The true practical motto, then, in my opinion, where taxation becomes indispensable to maintain an economical administration of the government, is, not "free trade and no duties," but "free trade and low duties;" the latter being no higher than what is required for revenue alone, and only in due proportion to the tax which is generally imposed on other property in the country, under our mixed forms of government. If more revenue be wanted than this will yield, it, of course, should be collected equally from other sources, as well as this. But while the ordinary rate of taxation on most other property is not, by the States, over five per cent. on its value, and often not one, the existing tariff is seldom less than twenty per cent., and, in some cases, is forty, eighty, and even a hundred per cent.; and these highest not, in most cases, on either luxuries or articles prejudicial to health and morals, but on such great necessaries of life to the humbler classes as cottons, sugar, salt, and some kinds of iron. So, while the tariff in some States, before the constitution was formed, did not exceed three per cent., and in none ten, and, for many years after, seldom equalled on any articles twenty, yet now, after a return from high excesses to something like twenty, and on half our imports still lower,—and after other nations, under our example and their own experience, were reducing their duties to a like moderate standard,—it is surely calculated to alarm the friends of free trade, all the world over, to see a tax on imports suddenly raised on almost every article to more than quadruple that which is usually paid on other property—to an amount far beyond any precedent here when the constitution was formed, and to

be vindicated in its high discriminations only by the notions of darker ages than this in the science of political economy.

Another justification for such an outrage on all fair principles of taxation, as well as of free trade, is claimed by our opponents to be, the right to give that peculiar protection to domestic manufactures which such a course confers. But, as before explained, this can never be vindicated under a constitution which authorizes a tax for no purposes but to pay the public expenses, and then only in a uniform and equal manner; and nowhere confers authority, in any way, to give peculiar protection to manufactures, or any other branch of industry. On the contrary, such protection is left to the separate States, according to their several local interests, if it should be exercised anywhere. For anywhere, when exercised in favor of one class alone, it usually opens a Pandora's box of evils as to the rest; and when exercised for all alike, it ceases to be peculiar, and becomes nugatory as a special advantage to any. It is no apology to argue further, as is sometimes done in palliation of exclusive protection, that it will be needed only a few years. If wrong, it should not be granted at all; and experience shows that, instead of being desired but temporarily, it is sought with as much importunity now as it was twenty years ago.

But our opponents again ask, in words most siren-like to the patriotic, would you refuse protection to American industry and home labor? I answer,—by no means; but let that protection be made equal to all, and not exclusive for a few. Grant it by equal laws, where the rights of all are equal; as the justice that should reign among moral and intelligent republicans; and the only justice, though the heavens fall. If any partiality or inequality could be justified, it would certainly be in favor of agriculture, rather than manufactures, as that gives employment to more than four times the number of persons and ten times the amount of capital, and is second, in virtue and patriotism, to no other pursuit.

How proudly, also, does commerce contrast with either in several respects already alluded to! and beyond even them, as the foundation of all maritime strength and naval defence, how fatally is it undermined by a hostile tariff! and how greatly is thus endangered the attainment of those high destinies that have just been within our grasp, as the second power in the world on the ocean! Such a narrow policy looks more in keeping with the monkish bigotry of the eighth century than the light and statesmanship of the nineteenth; and I am happy to admit that, in theory, it is disavowed by many of our opponents. But it inevitably occurs in practice by their system as a system, because it disturbs the natural employment of both capital and labor; forces them into new and artificial channels, by encouraging one branch of business and overburdening others; and, by being prohibitory of some foreign articles, it provokes retaliations from abroad, as well as weakens the interests neglected at home, and alienates here the attachment of large classes and sections.

Such a fatal course is the more objectionable, because so unnecessary. The manufacturers, in common with other classes, and without any special favor, always enjoy a liberal incidental protection. It is obtained first by the expense of transporting hither, at so great a distance, all foreign articles. Beside this, they have the additional protection of any equal duties. These, at only twenty per cent., will alone amount to one-fifth of the whole value of the foreign production; and if so great a protection as that, and the cost of freights from abroad, united, will not secure success here in any particular business, is it not strong presumptive evidence that such business is of a hot-bed character? one not well suited to our climate, tastes, habits, or skill? and which, like the growth of silk in our provincial condition, notwithstanding high bounties, may fail, till we are riper in those other qualifications so very indispensable? It is those tastes, habits, and skill, with suitable climate and other natural advantages, on which alone we can safely rely; and they will always succeed better, seconded by a steady, uniform policy in legislation, by free trade and low duties, than the highest and a vacillating system. Still other pretences, thrust forward, at times, in favor of partial distinctions in legislation, are alike untenable. Of this character are discriminating laws, made with a view to change the balance of foreign trade,—so to keep more gold and silver in the country, secure from exportation,—so to lessen the trade with those particular nations who take least directly of our own products,—so to alter the rates of exchanges, which are fixed from time to time by the great laws of trade, as surely as the ebb and flow of the tides are fixed by the great laws of nature. These are all a litter of the same lame and impotent breed, from the same obsolete school. So to regulate prices, and, as some absurdly reason, to impose a larger duty in order to reduce the price of the article taxed. How would such a pretence be ridiculed in the case of ordinary taxes in the States! And if a higher tariff lessens the price, why not impose five hundred per cent., rather than fifty? and why not retaliate on other governments, by lowering instead of raising duties? The fact that prices sometimes fall after a tariff is made higher does not conflict at all with this conclusion; because they fall from other causes, such as improvements in machinery, greater skill, or scarcity of money; and they fall on free goods, as well as those which are dutiable. In brief, it would be quite as wise for governments to attempt to regulate, by legislation, the quantity of corn or hay to be grown per acre, as to regulate, in that way, most matters of trade. Government may very properly prescribe a just standard of value, and the kind of money, or other articles, it is willing to receive for its own dues; and it may even manufacture such a circulation as it deems the most useful. But free trade regards everything as a matter of exchange,—of value against value. Its prices cannot be justly affected by arbitrary legislation. The rules for the adjustment and

enforcement of contracts may be regulated; but the exchanges of trade are in themselves generally beyond any salutary control, except the agreement of parties and the instinct of individual interests.

Without the imputation of any personal claims in a matter of history, I may be allowed to add that the attempt made here, a few years ago, to dispense with the sound constitutional standard of value, both in the business of the government and in private contracts, as well as in exchanges, was fortunately resisted, and ultimately with signal success. The inviolability of contracts, the public faith, and the credit of the General Government, were thus preserved unbroken amidst a pressure unexampled in severity, and with advantages to the eventual soundness of the currency over the whole country which all parts are now reaping, and which, otherwise, were likely to have been lost for a quarter of a century. No stronger proof of a portion of this can exist than the fact, that the rate of exchanges, both foreign and domestic, was never lower than at the present moment. There exist several other objections among the friends of free trade to the system of a high tariff, as well as to officious interference in business by law, a few of which only is there time left to specify, even in a condensed form.

Beside being thus forced to pay a higher price than would otherwise be asked for foreign products, the people are compelled to pay more for like domestic articles, or no special protection is gained for them, and thus consumers are doubly fleeced. Again, while some nations are reducing duties on many imports, and especially grain, so that an additional market is thus made for ours, and the whole transportation of ours is thrown more into American vessels, instead of a large part of the carriage of most of it being, as before, through colonies in foreign bottoms, we, by the late tariff, repel such liberal advances. We refuse to offer a reciprocal scale of low duties, and rashly raise ours much higher on almost every article to be imported thence, in return for our meats, and bread-stuffs, and raw cotton. We thus endeavor to diminish those very imports which have always given so much and so profitable employment to American tonnage engaged in the foreign trade. Such a course Adam Smith, near a century ago, pronounced to be "evidently as destructive to the revenue of the customs as to freedom in trade," and on both accounts to deserve reprobation.

In that very law, also, we have taxed higher almost every article which enters into ship-building, and have thus radically impaired our ability to compete, so successfully as before, for the carrying-trade of the world. In the same way we have inflicted a vital injury on the fisheries,— that noble nursery of naval as well as commercial greatness,— because, without adding anything to the bounty or drawback, we have increased the cost of their vessels much beyond what it otherwise would be, by placing duties on the iron, duck, and cordage, used in them, and on the salt consumed, much higher than what existed

originally, when the bounty was fixed or computed. Indeed, by this policy, we impose a new tax on the very tools of their trade or occupation, and overburden the employment by which they earn their daily bread. What a specimen of the kindness evinced towards interests so depressed as those of navigation and the fisheries,—interests whose great encouragement has heretofore been that *free trade and sailors' rights* for which they fought with such brilliant glory during the last war! While many of the raw materials used in manufactures are left free, or at a low duty, not only all but one used in ship-building are taxed higher, but most of the foreign articles eaten and worn by the mechanics and seamen thus employed. Another view of the unfavorable bearing of the present tariff on our tonnage is, that the increased duties only on the articles used in building and repairs are computed by some to equal near five dollars a ton. The consequence is, that all our vessels engaged in the foreign trade are to suffer hereafter such additional taxation. How is it possible, then, for them to compete so well as before with the vessels of other nations, whose tariffs have not been raised? Our domestic tonnage feels it the least, because that is not exposed to rivalship from abroad; and hence can raise the price of freights, and thus obtain some indemnity, though, unfortunately, in most cases, from our own citizens. But if our vessels in the foreign trade attempt this mode of relief, the ships of other nations are ready to carry at the old price with profit, and thus our own tonnage remains unemployed, or is obliged to work at ruinously low rates.

Another objection to this kind of legislation is, that it resumes what was called the mercantile system a century or two ago, and which was brought into discredit under the increased lights of reason and experience. The manufacturers are thus, at the present moment, wearing the cast-off clothing of the merchants.

Another objection is, that, by this vicious system, the greatest necessaries of life are the most burdened, and some luxuries the least. The very highest duties, instead of falling on the wines, the silks and laces, of the rich, fasten themselves, like harpies, on the tools, food and clothing, of the poorer classes. By this mode of taxing necessaries, as well as luxuries, consumption cannot be avoided, and the burden of the tax escaped by those least able to pay it, unless they can go without both food and clothes. Hence, it operates as a high and oppressive poll-tax in disguise; the middling interest in society contributing nearly as much from small incomes, as the wealthy do from large ones. This is the very worst species of income tax, and, beside all such unjust disproportion, falls, at first, on business itself as much as on property,— on mere sales and purchases,— and, therefore, tends to check them, and all the enterprise, industry, and commerce of life, connected with them.

Another objection is, that, by the experience of all ages, governments prove to be not so wise in regulating either the trade or pursuits of individuals, as the latter are when left to themselves. To regulate

prices by law, directly, was once quite as popular as it is now, with some politicians, to influence them in that way indirectly, and control other matters of private business. But the latter is a doctrine from the same school as the former, and should be exploded, as that has been, for its despotic folly. If unmolested, people will generally sell where they can get most, and buy where they must give least; and this instinct of trade — this impulse of self-interest — not only prompts and justifies free commerce, but aids both national and individual prosperity. The more each thus gains, the more the whole gain; and, if liberty in trade is interrupted, so that you cannot buy where articles are cheapest, the interruption is usually pushed so that you cannot sell where you are able to get most; and hence much is lost both ways, beside embarrassment and delay. It is obvious that, under the doctrine of free trade, the profit would be quite as much to purchase abroad cheaper either sugar, salt, iron, or woollens, as to sell abroad higher either our grain, tobacco, cotton, pork, or even manufactured goods. Nor is such a kind of business overreaching or disadvantageous to others, as it confers mutual benefits; the trade consisting often of surpluses, which otherwise would not be produced, or would be much less valuable. Nor is it justly open to a specious exception, that articles procured abroad are not the result of our own industry, and should therefore be proscribed. For, whatever is bought on the other side of the Atlantic, and paid for by our exports, is the fruit of American labor, as much as if bought or produced in the United States. Nor does it matter whether the articles are obtained in direct exchange for others, or with money procured by the sale of others, originating here. In either case, they are gotten by means of sweat, toil, and enterprise here; and in either case, if, as before supposed, the sales are higher and the purchases lower than here, American industry is better stimulated, and American wealth more rapidly increased.

In connection with this view, it is a curious fact, in the recorded statistics of our foreign commerce, that both our tonnage and freights have augmented fastest under falling duties and the largest portion of free imports, and that both have swollen quickest with those nations that supplied us chiefly with such imports.

Nor is such a course of business unfavorable to independence and peace, as well as prosperity. On the contrary, it removes one temptation to aggressions and wars, by opening access for all, quietly, to the mutual products and excellences of each. It also furnishes necessaries and comforts to each from the rest, which hostilities would endanger, if not destroy; and thus it makes the free interchange of them a pledge, a guaranty, and bond of peace. As to national independence, I go as far as the farthest. The plausible argument against the free-trade system, that it makes nations, in some degree, dependent on each other, seems to overlook or confound the distinction between political as well as pecuniary independence, so very desirable, and that social independence of all others, which is not so very desirable, as it cannot

exist in much perfection, except with the hermit in his cell, or the solitary savage in the desert. Enlightened, civilized, social man, can hardly be expected to imitate the oyster in the mud, or the grub folded in his vegetable blanket for the winter,—both, for a time, at least, independent of the rest of the world; but it becomes his susceptible nature to draw comforts and happiness from all around him, and derive from society all the reciprocal advantages for which society itself is organized. And each nation, belonging, in a like manner, to the great family of nations, should cheerfully impart, as well as use, all those benefits which may promote the good of the whole.

Failing in argument, our opponents sometimes appeal to precedent, or usage, in favor of high restrictive systems. But precedent may be cited for almost every error, delusion, and even crime. We must discriminate between different places and eras. Many principles might be avowed and practised on in Egypt, or the Celestial Empire, or the Feegee Islands, which could hardly be urged as a fit example for imitation in an enlightened republic in the nineteenth century. This is no theatre for repeating such inconsistencies as to increase taxes, in order to relieve an embarrassed community! To shut up some of our existing markets, when prices are already ruinously low! To assist a depressed navigation to compete with other nations, by taxing it higher! To promote harmony and coöperation in society, by introducing discriminations! In an age boastful as one of progress, and in a country proud as among the most advancing, and under rulers pledged to auspicious reforms, and amidst taunts against other nations as illiberal, intolerant, and monopolizing, is it decent or decorous to summon us to assist in measures like these,—measures, likewise, so subversive of all those great principles of free trade, of which, heretofore, as a nation, we have held ourselves to be the champion? It is difficult to characterize such steps, however well meant, in plain and truthful language, without making it offensive. I forbear, therefore, saying more of them in this view of the subject, except to quote another precedent of the high protective system, which stares us in the face as a signal failure, and from a quarter once highly distinguished. It is the case of Spain; and it is the more striking, as her natural advantages for commerce were so very conspicuous. She had some of the finest harbors in the world. Her borders were washed by two oceans. Her colonies inhabited almost every latitude, from the equator to the poles. Yet, resorting most unadvisedly to prohibitory laws, and madly persisting in their severities, have contributed largely to sink her to a third-rate power;—have, in brief, reduced her population one-half; caused the grass to grow over the streets of her great commercial marts; robbed her of some of the richest countries the sun ever shone on in his whole career; filled up her sea-ports with rubbish and decaying wharves; rotted her navies; lined her borders with armies of brigand smugglers; and ruined most of her vast internal trade, and, in the end, her manufactures themselves, almost as effectually as her foreign commerce.

The only striking exception to all this, in her possessions, is Cuba, and that is still illustrative of the same principles, by being indebted, for its great prosperity and exports, to the opposite policy of lower duties and freer ingress and egress to all nations, instead of the exclusion of all, formerly indulged in by Spain.*

And for what are we invited to become retrograde in our commercial policy, and incur all such dangers and sacrifices? Merely to push further experiments already fatal. In short, merely to try, at the expense of other interests, to manufacture a few more yards of calico here, rather than buy them lower elsewhere; or to make a few more pounds of sugar in Louisiana, rather than purchase it from Cuba or Brazil, where the cane ripens two-thirds larger, and the sugar is cheaper in proportion, and where we can get it in exchange for our lumber and flour, sold at much higher prices than here.

To dwell on these considerations no longer, it is manifest that such a system of taxation is as much at war with common sense and common economy as it is with free trade; while it abandons all constitutional adherence to that system of equal legislation, equal rights, and equal protection, so indispensable to the prosperity of the whole, and to the preservation of the essence, as well as form, of a republican government.

Besides such local views, there are some general ones, connected with the principles of free trade, which deserve special notice, as they bear on the progress of civilization, on the better security of human rights, and the improvement of both morals and intelligence. The system, fully carried out, is a harbinger and guaranty of all these. It is not, like other systems, tainted with exclusiveness. It does not, like them, claim a sort of Divine right for some pursuits, and impute a want of it to others; is not, like them, partial, and, so far, unjust; and not, like them, officious, and intermeddling with private business and tastes, so as to govern too much, and confide too much in the wisdom of rulers, rather than in the people at large. By pushing the principles of free trade everywhere and into everything, each country will gradually participate more in the advantages of all, and the imperfections of most of them will stand a better chance to be remedied. Facilities will thus be afforded, rather than creating interruptions; improvements be attempted, rather than obstacles; and securities provided for all interests, rather than neglect or oppression indulged in as to a part. There will then be a growing disposition to propagate widely all benefits, instead of trying to monopolize them; and nations possessing advantages, whether in arts, arms or science, will permit them to be diffused wider, and thus the whole become more civilized, rather than a portion be kept in darkness and subjugation. In this way, most modern advances in machinery, as well as valuable inventions of all kinds, not only enrich and strengthen first those who make

* See Merchant's Magazine.

them, but are spreading quicker and wider; and will, ere long, cheapen consumption as well as production everywhere, and, in time, fully pervade every people fitted by situation, education and habits, to improve by them.

It is always a narrow view of commercial, as well as moral policy, to seek profit to ourselves by beggaring others. Nothing is gained durably by over-taxing or over-reaching others. On the contrary, the wealth of all nations is promoted by the prosperity of all; and the great social principle, as well as sound political wisdom, requires us to be humane and just to all, liberal to all, and to confer benefits on all, rather than seek undue advantages. If less wealth were attendant on such a course of free trade, which is not the case generally, there would be more liberty, and hence more satisfaction. Only a crust and liberty, are often preferred to splendid bondage. Mankind are willing, when intelligent, to possess less property, if they can, at the same time, enjoy greater freedom,—freedom in action, as well as opinion,— extending, of course, to both government and conscience; and even these are no more gratifying than freedom in employment and business, in pleasure and locomotion of all kinds. We sigh often to have, as did our great progenitor, the whole earth before us where to choose, and Providence our guide. Any climate or soil, any profession or employment, will, as it should, thus become open to the enterprising. They can select where to dwell, where to trade, or to visit, or labor, as inclination or judgment may prompt; and besides being, in this kind of free intercourse, enabled to buy where cheapest and sell where dearest, the fancy and health can be pursued, and happiness in all ways be promoted. Were it otherwise, our nature revolts at restraint. We object to have even wealth forced upon us. We would fain do nothing by compulsion; like Falstaff, not even give reasons in that way. People are willing to be taxed higher, if they are allowed a free voice in imposing and expending the revenue so as to insure more equality. But the consequence of such a free voice is to stimulate industry, enterprise and trade, and gradually to lessen those burdens which would otherwise increase, and which, unchecked, tend to break down society, by impoverishing all who produce and pay, and driving them, in the end, to repudiation, insurrection, or revolution. But it is not the truth that light taxes, and less restraint on all kinds of industry and trade, ever lead to a permanent diminution of wealth in any country, however unfavored, in appearance, by either nature or art. On the contrary, the very Alps themselves have become fertile under liberal institutions; and the Swiss inhabitants of their slopes and valleys have become well-fed, well-clothed, intelligent, and, above all, most successful in manufactures themselves, without high or protecting duties. Industry, climate, skill, coupled with liberty, have made them outstrip those who were most powerful and wealthy when they started in the contest. And is it possible that we need monopolies and oppression to enable us to compete with any country in raising

cotton at the south, or wheat in the west, or corn in the Middle States, or hay in the east? Nay, do even the ship-builders of the east ask any discriminating duties on tonnage, if you will only exempt them and the articles they consume from high and discriminating taxes? Far, far from it, if, at the same time, you throw open all the proper avenues for employment to their navigation. Among other aids, a free trade with foreign countries on our borders, by *land*, should be fully encouraged. Why should not such a trade be permitted by land, as well as sea, when it can be well protected against frauds on the revenue? It is a most vicious policy to prohibit this trade in reëxporting foreign articles, except at the loss of the whole imposts on them. We thus not only deprive our own vessels of much employment, in bringing merchandise here from abroad for this trade, but rob our own canals, railroads, boats, and carriers of all kinds, of large gains from the interior transportation of it to the extensive foreign possessions — Texian, Mexican, and British — on our vast inland frontier. We forget the more wise policy, in this respect, even of France, Holland, and Northern Germany.

Under a like spirit, the most liberal rules of warehousing should be adopted. They would give additional activity to our vessels and commercial enterprise, prevent the loss of interest on cash duties till articles are reëxported, and relieve all from troublesome, as well as useless, payments and repayments on articles never intended for consumption here. Without such rules, our country is obstructed in becoming the great commercial dépot for the whole American continent, as well as the West Indies; and even our manufacturers are frequently deprived of an opportunity to make sales, as would then be done, to foreign merchants resorting here for assorted cargoes to supply the growing demands of the Spanish, British, French, or Indian races, covering yearly, as the former do more and more, the hills, prairies and savannas, of this new world. What Tyre or Venice, Alexandria or Antwerp, once were, and London now is, to the shores of the Mediterranean and Europe, it is clear that, in this way, Boston, New York, and New Orleans might, ere long, become to regions larger, if not richer, that fill the vast spaces between the Atlantic and the Pacific.

To discourage such an enlarged intercourse, profitable even to manufactures, as well as agriculture and commerce, is short-sighted, and is a relic, in policy, of systems and theories unworthy the present age. No matter whether this intercourse between different nations, or different portions of one nation, be carried on by caravans, ships of the desert, through the heart of Asia and the sands of Africa, or by lakes and rivers, watering half a continent, or by sea, doubling the stormiest capes and penetrating remotest islands,— *still let it be free* — still let it be untaxed, unfettered. It will then shower down innumerable benefits, not only in its progress by the way-side, but benefit all, both producers and consumers. Again, it is of no consequence, in one

view, whether those articles are iron for the plough, or ostrich-feathers for the ball-room; the olive for peace, or arms for war; drugs for health, or gold for ornament; woollens and cottons for the poor, or silks and cashmeres for the rich; or sugar and salt for all classes, and the last for the whole animal creation; still liberality in the trade *blesses, like mercy, twice — both him that gives and him that takes.* On the one side, that is parted with which is not wanted, or can without suffering be spared; and, on the other, that is obtained which is needed either to supply real wants, minister to our comforts, or gratify taste. Both are accommodated, or both enriched; and the industry is stimulated, and the faculties sharpened, in search of more of that which either promotes pleasure, or advances knowledge, or increases power. In fine, it is the theory which tends best, in all countries, to develop the national mind, as well as the national wealth. It gives full and free play to all the faculties and instincts of man, while it is content to take from the earth the gifts of Providence, where they are natural and most profuse. It does not attempt to cultivate drugs in Greenland, or tea and coffee in New England, or pine-apples in Canada. And should the Hindoos strive to freeze their own ice by a chemical process, or the inhabitants of New Orleans labor to make their own stone artificially, or the Yankees endeavor to grow, for their general consumption, pepper and palm-oil, they would only illustrate, in a different form, some of the follies and losses which attend most of the departures from the free-trade principle.

The moral and intellectual view of the subject is stronger than even the physical or the commercial one. It is a question going far beyond the ledger, — beyond dollars and cents, — the number of bushels, pounds, gallons, or yards produced, and the value of exports and imports, as well as amount of tonnage. It concerns natural fitness, social improvement, morals, and the higher education and civilization, as well as happiness, of millions on millions of immortal beings. That is a circle wider than all others, reaching the future, no less than the present welfare, of most of the human race.

Intolerance in religion has been one of the allies of restrictions in trade. It is bred in the same proscriptive school, and has sometimes injured even its coadjutors. It helped to expel the Lutheran mechanics from Spain, and drive across the Mediterranean her best Moorish manufacturers. By the repeal of the edict of Nantes, it long retarded the prosperity of France; and, by a like exclusive spirit, peopled originally several of our own States from the persecuting shores of England. Even at this day, by the union of church and State in the latter, thus doubling ecclesiastical taxes on seceders, and by high corn-law duties, so oppressive to labor, it violates some of the most salutary of the free-trade principles. A mass of human suffering has thus been produced there, of late years, which is ill atoned for by all her greatness and glories. Though palaces rise in the streets of Manchester, and fertility clothes the fields of contiguous counties

with golden sheaves, yet the laborer often starves in sight of them, or lingers out a miserable existence in some neighboring almshouse. What matters it to him if the treasuries of China are captured, and conquering armies are pushed over the snows of Afghanistan, and heroic columns rise in London to commemorate national glory, if he and his children suffer for bread, or freeze from half-nakedness, or are robbed of political suffrage, and have their morals and intellects debased by brutal ignorance?* Under a like view, as to the effects of such a system on mind, morals, and progress, while high protection is yielded here to manufactures, it must be remembered that it is at the expense of agriculture and commerce, and is confined in its influences to the owner of the establishment, or the capitalist,—to property alone, or dead matter, rather than extended to the artisan or laborer, the spirit, heart, and soul engaged. In the most manufacturing State of the Union, the mere operative is stripped of all political rights, and deprived of that free suffrage, in forming and regulating government, which constitutes the great distinction between liberty and slavery. On the contrary, the free-trade principle spreads a table for industry and virtue in every climate. Under its operation, man is so constituted, and is the only known being in creation thus blessed, that he can succeed in living under the frosts of the pole, as well as the heats of the equator; and can and will, if let alone, thrive and improve by all kinds of employment. Under it, no surplus of anything useful exists which is lost, as nothing abounds in any country needed elsewhere, without finding a market. Such intercourse stimulates industry, and rewards enterprise. It diffuses, also, arts, as well as letters; and the whole world thus gradually becomes improving and useful to the whole. We know how, from acorns and roots, man has advanced in food to grain and meats; from skins for clothing, to the most beautiful fabrics of silk and wool; and from ignorance and the chase, to learning and all the glories of civilization. This has always been witnessed most rapidly where commerce has most abounded and was freest. Thus, in the dawn of time, it gradually circled, and thus civilized all the shores of the Mediterranean. It then passed the pillars of Hercules, and penetrated the forests of what were savage Britain and savage Germany; crossed the Atlantic afterward, to a little less savage people, covering the whole western continent; explores still further to the remotest isles; and is now at such a height, and surrounded with such improvements in arts, laws, and literature, as to reflect back, from the once Gothic portions of Europe and from barbarian America, increased light and knowledge. Whither? you may ask. Even to the seven hills of Rome, the banks of the Tiber, as well as the Ilissus and the Nile. It is a curious fact, illustrating the mutual action and reäction through commercial intercourse, that this very year, in the city of New York, has been formed a society to diffuse useful and religious knowledge in Italy. This,

* See Lester.

among us, a people whose English ancestors, thirteen centuries ago, were painted savages, carried into slavery to Italy — and this in a country five centuries ago utterly unknown to Italy, and full of forests and Vandal Indians! How irresistibly do such facts carry our memories back to the conquest and civilization of Palestine, from more commercial Egypt, and transport our imaginations forward to a period, not far distant, when commerce may carry home most of the exiles from Africa educated, and fitted to civilize her vast waste places, and reform her debased servitude! The tenants of those arid regions, reached but seldom by foreign commerce, continue, like the Esquimaux, almost as barbarous as when first discovered; and, like most communities shut up from the liberalizing influences of free trade, have improved little more than the ox since the days of Job, or the swine since the miracle of our Saviour.

In fine, without the vivifying impulses of that trade on man, the world is stationary or retrograde; while, with them, all is progress, as well as an apparent development of some useful end in the contrivance of the human race; and if any one nation or tongue is destined to pervade the globe otherwise than by arms, and to ameliorate its condition, through the arts of peace, letters, and religion, it must be that one most influenced in all things by the spirit of free commerce. That, alone, can surmount every obstacle, penetrate remotest regions, win confidence by political favors, and, through its comforts and necessaries, if not luxuries, interest, excite, benefit, and elevate, every people. Withdraw, too, or shackle its power, after once enjoyed as here, and though it may seem, at first, to affect only the humble shipwright, the sailor, or the merchant, and the axe and the saw may only appear to stand still, the wharf and the warehouse only at first to decay, rather than the splendid abodes of wealth and the gorgeous temple, yet, rely upon it, there is a canker preying,— a worm gnawing at the root of the prosperity of the whole,—a mildew begun, which will, in time, blast every ramification of society.

Miserable, indeed, beyond any description, must be the condition of any country, where, by a violation of these principles of free trade, the masses must deteriorate rather than improve, and wages become lower, and the clothing or food of the millions are highly taxed to supply the extravagances and follies of the few; and, what is even worse than this, the intellects of the former are left neglected, and their morals depraved.

But it is time to close this hasty address. The free-trade system, as thus explained, is, in my view, the only one suited to a free people or a free government. If it cannot be restored and perpetuated here, my deliberate conviction, without any want of candor or charity as to the designs of our opponents, is, that our boasted form of government, and all its golden promises to mankind, must in the end prove a mockery. If it does not soon triumph again in all its essentials, we shall lose consistency of character over the globe, and it is vain to look for

restoration of permanent prosperity, or to cherish brilliant hopes for the future; and the experiment of a just and equal self-government in this part of the western hemisphere, as a model for the world now and forever, must be considered to have failed. If this be not the truth, let others exhibit it; for truth should be the object of all. In the mean time, I trust that, knowing these principles, — to use the words adopted as your beautiful motto, — "You shall know the truth, and the truth shall make you free."

Though my remarks have been addressed to all classes, — all being deeply interested in the success of such principles, — yet, before closing, allow me to repeat the exhortation of the philanthropic Channing, on this topic, to the merchants in particular. It was given not long previous to his death, and some may respect it the more from an impression that it may have been influenced less by any party prejudice than my own views. This was his language: "Allow me to say a word to the merchants of our country on another subject. The time is come when they are particularly called to take yet more generous views of their vocation, and to give commerce a universality as yet unknown. I refer to the juster principles which are gaining ground on the subject of *free trade*, and to the growing disposition of nations to promote it. Free trade! this is the plain duty and plain interest of the human race. To level all barriers to free exchange; to cut up the system of restriction, root and branch; to open every port on earth to every product; — this is the office of enlightened humanity. To this a free nation should especially pledge itself. Freedom of the seas; freedom of harbors; an intercourse of nations, free as the winds; — this is not a dream of philanthropists. We are tending towards it, and let us hasten it. Under a wiser and more Christian civilization, we shall look back on our present restrictions as we do on the swaddling-bands by which, in darker times, the human body was compressed."

THE UNION AND THE FUGITIVE SLAVE LAW.*

Concord, N. H., Nov. 15, 1850.

GENTLEMEN: — Your polite invitation for me to attend a *Union* meeting, at Manchester, on the 20th instant, has been received.

The great object of that meeting — "to advise upon the course best calculated to allay all unnecessary further agitation" of certain sectional questions — meets with my hearty concurrence.

Without more forbearance as to such agitation among the sister States, it is my solemn conviction that the present hallowed Union of those States will be placed in fearful jeopardy.

It is another alarming sign of the times, that any portion of our law-abiding community should either recommend forcible resistance to the laws, or actually participate in measures designed to overawe the constituted authorities, and defeat the execution of legal precepts issued by those authorities.

This is in direct hostility to the injunctions of Washington, in his farewell address to his grateful countrymen. And it seems no less hostile and derogatory to every sound principle for sustaining public order, and obedience to what the legislative agents of the people and the States have enacted.

The only objection to such obedience which has come to my knowledge, and which seems supported by any semblance of argument, is one very dangerous for individuals to rely on at any time so as to use force. But it is much more hazardous when the measure resisted is one sanctioned, after much deliberation, by Congress and the President; one provided for explicitly in the constitution itself; one carried into effect, except as to some details since added, under the father of his country, as early as 1793; and one which has received the approval of the Supreme Court, sitting as the highest judicial tribunal of the Union, and of the elevated law-officer of the government, the present Attorney General of the United States.

It would afford me much pleasure to attend your meeting, and express my views at length on this subject, were it not that this last question is likely to come before me officially, one warrant having thus been issued already by the Circuit Court, of which I am a member. Consequently, I do not deem it appropriate to offer my own opinion on it now, or at any public meeting, until the parties who may raise it before me judicially have been fully heard.

But, at all times and in all places, I shall never hesitate to raise my voice against forcible resistance to established laws, made by our

* A letter in reply to an invitation from B. F. Ayer, Esq., and others, to attend a Union meeting in Manchester, N. H., Nov. 1850.

own agents, and subject to be altered by majorities, peaceably, whenever obnoxious. And, in point of conscience and common sense, it must be as culpable to thwart their execution, or impair the Union, by covert and indirect means, as by open violence. Respectfully,

LEVI WOODBURY.

B. F. AYER,
ABR. ROBERTSON,
AMOS HADLEY, and others,
Committee of Arrangements.

AN ADDRESS, AT BOSTON, TO LAFAYETTE, ON THE OCCASION OF HIS VISITING PORTSMOUTH, N. H., 1824.

A COMMITTEE from the town of Portsmouth, in the State of New Hampshire, consisting of Messrs. Woodbury, Upham, Ladd, and Wendell, having been introduced to General Lafayette, at Boston, August 24th, 1824, the chairman remarked:

GENERAL: — We appear before you as a delegation from the town of Portsmouth, — a town which, after the great crisis of our Revolution, had the pleasure to welcome you as one of her deliverers from foreign oppression.

Time has since robbed her of her Langdons, her Whipples, and, indeed, most of those cotemporaries on whose memory your image was deeply impressed; but their children, and their children's children, in common with the whole population of New Hampshire, still associate your name and virtues with those of the founders of our independence.

The citizens of Portsmouth feel anxious to welcome you again to their hearths and their altars. They wish to mingle their sympathies with the prisoner of Olmutz, and to cherish as their guest the patriot who, in one hemisphere, without fear or reproach, shed his youthful blood in the triumphs of liberty, and, in another, during thirty years of persecution and disappointed hopes, never faltered in fidelity to the sacred rights of man.

They desire to show you, in person, a few of the improvements which, in less than half a century, have been wrought by the industry, enterprise, and intelligence, attendant on those liberal principles to whose success your whole life has been devoted; and are solicitous, by

the part they seek to take in your reception here, to give some faint evidence of their own attachment to those principles, and of their warm gratitude and veneration for your former services to their country.

In behalf of our fellow-townsmen, therefore, suffer us to repeat assurances of their high satisfaction at your arrival in America, and to solicit a visit soon as your convenience may permit.

BIRTH-DAY OF JEFFERSON.*

Mr. Woodbury observed that the kind allusion in the last toast to the east, and the wishes of the president of the day, and other gentlemen near, had emboldened him to trespass a few minutes on the indulgence of the company.

The sentiment expressed in the toast in favor of unity of action in the great cause of good government among republicans of the Jeffersonian faith, wherever found, met with his most hearty approbation. He presumed that it would also meet with the approbation of the large mass of his immediate constituents at home, and of their brethren of the same principle throughout the whole east. But he would not assume either to pledge or commit them on any point, nor usurp to represent them in any respect beyond what his duty required from his peculiar position. On account of that, he should venture to express, on all proper occasions, his own belief as to their political opinions, and endeavor to vindicate them whenever attacked. But beyond this he could not be tempted to go; because one of their opinions he well knew to be the propriety of extreme jealousy of men in power. He himself applauded that jealousy; he deemed it a cardinal article in the Jeffersonian faith; he thought its constant exercise one of the surest preservatives of our liberties; and woe be to that individual in authority from the east, who, as a public man, dares ever arrogate what has not been intrusted to him! Notwithstanding the liberality displayed towards the republicans of the east in the toast just read, it was thought to have been industriously inculcated in some quarters that our prejudices, our interests and opinions, furnished other traits in our character,

* A speech at a public meeting, in Washington, in celebration of the birth-day of Thomas Jefferson, April 13, 1830.

peculiar and offensive to the residue of the Union. Prejudices we doubtless possess, or we should cease to be human; but, be assured, no prejudices to the injury of our brethren of the same principle, whether north, south, or west. Interests we have sometimes been charged with pursuing which are exclusive, and prejudicial to other quarters; and interests,— great, paramount interests,— we doubtless possess. But, as pursued and advocated by republicans of the Jeffersonian faith, they are as admirably formed to harmonize with the interests of the south, as, in the language of Samuel Dexter, on another occasion, are formed for harmony and union the two sexes of the human race.

Whatever heretic opinions have been imputed to some of us,— and strong opinions we doubtless possess on many questions of political moment,— yet he was happy to avow, before this assembly, that, among the republicans of the east, those opinions, in a mass, belonged to the Jeffersonian faith. That, beside this test of the correctness of their opinions, they were in a habit of proving their faith by their works; and usually carried their opinions into votes and measures according with that faith, rather than confining their Jeffersonism to their lips. He would ask, why should not the east go heart and hand, on all great occasions, with their brethren of the same principle elsewhere? Without entering into a detail too tedious for this occasion, did they not encounter like perils with the rest in the early settlement of the country, in planting the wilderness, in driving back the barbarian, and in patient endurance of those thousand privations and ills that flesh is heir to, in new and inclement regions? Did they not mingle their blood and their counsels with the rest, through all the fiery trials of the Revolution, and prove themselves right good swords-men, as well as book-men? Did they not aid in the formation of our constitution? And have they not, since, manfully struggled to uphold it?

Soon as the principles in its administration in 1798 and 1801 became fully understood, a large minority, and at times a majority, in the east, have, with fearlessness and constancy, united with their brethren in the south, the Middle States, and the west, in support of that class of principles almost canonized by the great statesman whose birth we are now celebrating. Many of them have gone for those principles, not on the popular current, buoyed up by triumphant numbers, and the smiles, honors, and plaudits of the times; but through taunts, reproaches, rebuffs, and persecutions, which none can duly appreciate who have not felt or witnessed them. Through scenes infinitely more disheartening than those which the great orator of antiquity, towards the close of his pilgrimage on earth, looking back upon, observed that, if starting afresh in life, with all his sufferings and glories presented on the one hand, and a halter on the other, he should be inclined to accept the latter. Could that martyr in defence of Athenian democracy have gazed through the vista of futurity, and seen what is the high price of freedom in every age,— could he have beheld how often such sufferings were to come unmitigated by his

glories, and how indispensable to the preservation of republican liberty in all after times were the moral courage and invincible fortitude which he sometimes failed to exhibit,— he might, in so glorious a cause, have rejoiced to devote all he had, or ever could hope to have.

Mr. W. asked indulgence a moment more, and he was done. What had been the fruits of those principles of Mr. Jefferson, in the administration of this government, to support which so much at the east and elsewhere had been sacrificed and suffered? They are beautifully grouped in an address to him, in 1809, by the Legislature of Virginia, when he was about to retire from public life. He could not recollect them accurately, nor call to mind each particular; but, in substance, the Legislature thanked him for the model of an administration conducted on the purest principles of republicanism; for pomp and state laid aside; for internal taxes and public burthens diminished; for superfluous officers disbanded; for the monarchical maxim that a national debt is a national blessing renounced; for more than thirty millions of our debt discharged; for the Indian title to a hundred million acres of our national domain extinguished; and, finally, for what, above all other themes, the historic muse would hang on with rapture, — the liberty of speech and of the press had been preserved inviolate, without which genius and science are given to man in vain. *The liberty of the press preserved inviolate*, not by any exclusion of its conductors from the equal rights and privileges guaranteed to all, but by leaving reason free to combat with error, and due honors to descend on all of sterling worth, whether in or out of employments which Barlow and Franklin elevated and honored, as they elevated and honored the country of their birth.

The argosy of State, as Mr. Jefferson, in 1801, called our constitution, in writing to the revolutionary veteran Dickerson, has since his administration been sometimes steered into rather rough water, and been somewhat endangered by breakers. But, under a new commander and disciple of Jefferson, can we not justly cherish the hope that she will, as was then promised,— that she will again be put on *her republican tack*, will escape shipwreck, and long show, by the beauty of her motions, the skill of her builders and officers?

He felt assured that his friends in the east were ready to coöperate, in the language of the toast just given, in this *great cause*. They were ready to go for measures in true accordance with their professions. Their principles were intended for practical effect, and not to evaporate in mere holiday talk, not worth the breath that utters it, or the ink that writes it down. In their just expectations he believed they would not be disappointed. These remarks he had not made for flattery to the memory of Jefferson departed, or to the character of any of his admirers present. Anybody who knew him or his constituents knew we would *not flatter Neptune for his trident, nor Jove for his power to thunder*. But they knew, likewise, we were willing to offer a just homage to merit at all times and in all places.

They knew that under any lead in which we have confidence, political and personal, we are willing, at all times, to unite with our brethren of the south, the Middle States, and the west, to enforce the main articles of the Jeffersonian faith in the administration of our government. We deem it the only granite foundation for our Union; and, though differences of opinion must and will exist on some subjects, yet it was as much as erring humanity permitted, that those who acted together in a free government should agree in essentials. A union with our brethren, founded on these principles in their great *essentials*, and fairly and equally carried into the administration of this government, he would always advocate in behalf of his friends in the east; and would vouch for them that, like Hannibal at the altar, they were ready to swear to abandon that Union—*never—never—never!*

Mr. WOODBURY afterwards said:

Considering the peculiar character of this festival, he hoped the company would pardon him if he repeated the last democratic sentiment Mr. Jefferson ever sent out to the world. It was contained in a reply, only ten days before his death, to an invitation here to the celebration on that very fourth of July on which his spirit took its upward flight, and which day his pen and his patriotism had contributed so much to immortalize. Half a century before, a like sentiment, on the equality of mankind, had been incorporated by his own hand into the Declaration of Independence; and he would now give it in the last impressive words of the great author of that declaration: "The palpable truth that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God."

RETURN FROM WASHINGTON.*

My Fellow-townsmen and Neighbors:

You will hardly need any assurance that I feel great happiness in meeting you again, after so long an absence. This happiness is increased by finding that health and prosperity have in many respects blessed all around and among you. However strong is my gratification at this on your account alone, it may be mingled with some considerations not entirely disinterested; as my intention always has been to spend the remainder of my life amidst your community, and to share intimately in its weal or woe, till our spirits ascend to the beneficent source of all we have had, possess, or hope for.

If, under such circumstances, my sensibilities were not deeply excited by this flattering reception, I should be more or less than human. To be thus welcomed home revives the remembrance of many favors in days gone by, from yourselves, and some who, I regret, as your chairman feelingly remarked, *have since passed away and live no more to greet* me, and whose departure, like that which has just clothed the nation in mourning, shows *what shadows we are and what shadows we pursue.*

The generation succeeding them will no doubt act worthy of their sires; and most warmly do I reciprocate to the whole of you all your kind wishes and heartfelt congratulations.

On such an occasion as this, I would not, if I could, check the overflow of friendly feeling, by many words. But you will pardon me for attempting to do plain justice, in a few particulars, to yourselves and the other citizens of that Spartan State which gave birth to most of us.

Amidst the scenes of high responsibility it has been my lot to pass through since our separation, and which you have been pleased to mention in so complimentary a manner, it has always been an abiding consolation, that the people of such a State, who knew me best, have confided in me most, and that their trust, under the severest assaults, has never faltered.

Is it strange, then, that my *heart* — *untravelled* — should constantly have turned to these Pilgrim shores? or that my mind, though beneath new skies in the service of New Hampshire and her sister States, should have remained unchanged, and my devotion to your democratic principles have grown, like your iron-bound coast, only firmer by repeated shocks?

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* On his return (April, 1841) from Washington, Mr. Woodbury was met by a large number of his political friends, and escorted into Portsmouth. He was addressed by Mr. Abner Greenleaf, chairman of the committee of arrangements for the occasion, and the above speech was made in reply.

I rejoice, with you, that here, above all other places, the vestal fire of those principles has been kept alive and bright. It has proved a proud beacon to light the steps of your absent children, and, flashing higher and wider, as in the last contest, after some despondency elsewhere, it is an omen auspicious for the whole Union.

Real ignorance, or malignity under defeat, has at times attributed the political course of this State to something less enlightened in her condition than in other places. But, in vindication of her, under such aspersions, it gives me pleasure to repeat on her own soil, where a response to its truth must gratefully beat in every heart, that no people are believed to possess higher advantages for obtaining a fund of useful information and practical wisdom. This the hardy yeomanry of her mountains have shown by undeniable results. As an evidence how well they have learned their true interests, no less than their true rights, they have exercised an industry, an enterprise and prudence, which have kept themselves and their State unencumbered by burthensome debt,— have secured beside, though amidst ice and granite, all the comforts of life, and have crowned the whole by liberally sparing more money for free education, religious and literary, than the proudest regions from which they have been assailed.

In truth, the sun does not shine on a land where, in a like extent of population, the spires of the village church more frequently point the path to heaven, or the district school-house and academy oftener open their intellectual treasures to the young and aspiring. These are some of her loftiest monuments, and for these a grateful posterity will admire her more than they would for bronze or marble.

But turning a moment more particularly to this portion of the State, and the political friends who now so cordially welcome my return, I know that some differences concerning public measures must exist among your community, or it would cease to be free. But the *political integrity* of those here with whom I agree on public matters, and to which you refer in your address, can nowhere be more commendable, or zealous, or firm, though at times struggling under what has seemed fearful odds. I trust, also, experience will show that you are right in the hope that your *confidence has not been misplaced*, in looking to me, among others in our national councils, to defend the *principles of democracy*. But, on this joyful occasion of reünion of neighbors long separated, all of you, as well as myself, are doubtless willing to do justice to those with whom we disagree. Firm and ardent as we are in our political convictions, we can still cheerfully recognize many bonds of union between persons possessing a common home, pursuits in several respects common, a similar religious faith, a literature, government, and, I may add, almost every hope of happiness here or hereafter, founded on some common basis. I rejoice, therefore, that the harmony of personal intercourse among us has generally never been interrupted by mere differences of opinion. Between myself and your community as a whole, however divided politically,

there has long existed a mutual and generous personal confidence; and I have not and cannot hesitate to trust to its friendly protection my hearth, altar, and character — everything held dear.

But should the storm of faction, of any kind, hereafter beat upon me from any quarter,— and few places or parties are long exempt from them,— they can have no terrors for one surrounded, as I am now, by the lion hearts that have dared to be tolerant and just, in the worst of times.

In no place do I believe that the lives, principles, and professions, of its inhabitants generally, are more coincident, or more honest and true. Fortune may have showered her golden favors elsewhere in greater profusion, but nowhere, in the hour of public peril, have the generations, whether present or past, ever displayed prompter patriotism, and, at their country's call, gone forth with more chivalry, to bleed gallantly on every ocean and every field of danger. How, then, will it be possible for men of such a stock, though differing some in the application of facts and principles, ever to differ much and long concerning their essence or tendency? Can any of them, for instance, look with tameness on the surrender of national rights, by any administration whatever? On the contrary, I am confident that most of them would denounce it in all shapes and to all extents; whether the proposition originated in menaces from abroad, accompanied by the gasconade of fleets and armies, or in derogatory combinations at home; and whether it should abridge our territorial limits, or shackle those principles of free trade, and those privileges of navigation and the fisheries, in every sea our enterprise can reach, which have aided so largely to enrich the whole north, and make the Union itself secondary in its commerce to only one government in the world.

Wasteful extravagance, also, or the removal of those securities which experience has devised to guard the public treasure, or contributions forced in any form from the hard earnings of the thrifty for the benefit of speculators, spendthrifts, and bankrupts, can never be believed to occur, and at the same time be long tolerated by men who, like you, obtain their money through honest industry, and who know well that the people at large, in some shape or other, are taxed to furnish all public means. In a government which freemen have helped to create for the equal protection of all, how can many of them be expected to countenance, in those *dressed in a little brief authority*, partial legislation, for building up favorite interests or favorite sections of country? The question, as one of principle, is too plain for argument; nor will they befriend, on any subject, what they may be convinced is a system of monopolies,— a system hostile alike to the durable interests of the seaman, laborer, mechanic, merchant, and last, but not least, the farmer,— aristocratic in tendency, and likely to become more powerful and overshadowing than the government itself; for this would be to befriend or submit to a species of slavery, and one the more ignominious, as being usually to money alone, rather than to superior

intellect, goodness, or knowledge. Still more vain would it be to hope that such a race will ever long bear to be insulted by duplicity or broken pledges of any kind from those in power, and, on their own soils and freeholds, in sight of their fathers' graves, the descendants of the Langdons, the Halls, the Gardners, and the Mannings, endure to be proscribed or persecuted like conquered helots.

But I forbear, lest these remarks should insensibly glide into what is susceptible of perversion. This much, however, can be added with justice, and I trust without offence,— that, come when, where, or how, danger may, a people like those before me will always *scent tyranny in the breeze*, and, knowing their rights, as free, equal, and independent citizens of the freest republic on the globe, they will, without regard to sects and schisms, always be ready to maintain those rights.

If attempts be made to cajole you as to the true extent or character of them, tell the offenders from this hall, dedicated to one of the great apostles of liberty, that they are the rights explained by him in the immortal Declaration of Independence, and which our ancestors, after a painful succession of sufferings, sought to guarantee by their wise constitution and just laws, as well as by the republican virtues they inculcated on their posterity.

Without those rights, whatever name is given to ourselves or our institutions, our condition must become one of base servitude; and in times past all has been often risked in their defence, and all will be again, because, whether we come off victors or martyrs, nothing can be clearer than that our duties, no less than inclination and honor, equally forbid us either to live or die slaves.

I cannot misunderstand the ardent eyes which meet mine in every direction; and I know that your pulses must beat warm with the conviction that these are opinions and resolves which the great mass of you hold in common, and which you will never part with, whether here, at the altar or the domestic fireside, whether in public or private trust, and whether as citizens of New Hampshire or the Union.

Regardless, then, of misconstruction or calumny, I have taken the liberty to express my belief that thus we mutually think, and, by God's blessing, thus will do.

After this response, and a personal exchange of salutations between Mr. Woodbury and his fellow-citizens at large, who came forward to welcome him with the most unfeigned cordiality, the committee of arrangements, with the board of selectmen, accompanied him to his lodgings at the Rockingham House, where he had taken rooms for himself and family, until his effects should arrive from Washington, and his house be prepared for his reception.

PRESIDENT POLK.*

Mr. President: — Allow me, in behalf of my fellow-citizens of the ancient town of Portsmouth, New Hampshire, to welcome you to their hospitalities. Interchanges of personal civility between a people and their chief magistrate are usually attended by the happiest influences. We know and are known better by being face to face, and heart to heart; and it rejoices us thus to enjoy an opportunity to draw closer the cords which kindly bind together the true source of all political power, and those deemed worthy to administer it. We greet you, therefore, sir, to our hearths and altars, as the highest administrator of that power for more than twenty millions of free and prosperous people. It is this which makes our hearts overflow with gladness to see you tread our granite soil; for we do not presume to boast of its great fertility in any crops, unless it be in crops of men, — high-minded men, "who know their rights, and, knowing, dare maintain." It is this that makes us exult to have you gaze on our mountains, and not that they are the abodes of wealth and grandeur; but, on the contrary, the faithful nurses of our share — we hope our full share — of hardy industry, of well-tried bravery, both in "flood and field," of enlightened liberty, of sterling patriotism, and all the republican virtues. Indeed, sir, you see here one of those prolific northern hives, which yearly sends off its swarms over the western continent, to gather, and, it is trusted, diffuse, much that is useful, wherever they wander. Liberty and law, order and industry, are inscribed on the banners under which they march and conquer.

In this immediate neighborhood, sir, we invite you to examine the scenes of the earliest settlement of our State; — the noble river, on whose banks stands its venerable commercial capital, whither our fathers came for a freer trade, as well as freer worship of their God; the beautiful navy-yard near us, in whose environs was built the first ship-of-the-line since our independence, and, it is believed, the first frigate in America; and lastly, to inspect the gallant fort which opens its cannon on the ocean at the mouth of our harbor, to aid in our protection, under any unhallowed invasion of our soil.

We look anxiously towards the means of public usefulness increased here by the dry dock, which has been happily authorized under your administration, cherishing, as we do, a strong conviction that such expenditures tend to render imperishable that great principle, now embodied into the American code of public law, — "*Millions for defence, but not a cent for tribute.*" Every war steamer, — and we

* An address made to President Polk, on the occasion of his visit to Portsmouth, 1846.

hope to see many grow up from this cradle of our navy,—every ship-of-war of any kind that shall float from our harbor, under a system like this, will be a monument to the world of that great principle, as striking as if all her flags and canvas were emblazoned over with it in letters of gold.

In conclusion, Mr. President, permit me to add, that but one pulse beats in every heart in this vast multitude around me,—from smiling youth to decrepit age,—and that is, with the earnest wish that you may possess leisure to see everything here of public interest, may meet with no accident to mar the enjoyments of your northern tour, and, above all, may carry back with you the discovery of new cements of the common brotherhood between us and the giant west and high-principled south,—new attractions to bind us all closer and firmer forever in one sacred and harmonious union.

APPENDIX.

APPENDIX.

WAR WITH GREAT BRITAIN, 1812.*

ADDRESS TO THE PRESIDENT OF THE UNITED STATES.

SIR: — ONE HUNDRED AND EIGHTY-NINE delegates, from all the towns in the County of Hillsborough and State of New Hampshire, have convened at Weare. They are attended by more than FIFTEEN HUNDRED of their constituents. Among them are many, as their signatures will show, who are proud to have participated in our Revolution, and also to behold, as their associates in this convention, the flower of our yeomanry, our mechanics and manufacturers. Such numbers and character will perhaps justify us in addressing the chief magistrate of our Union, and, without presumption, expecting from him a regard to the sentiments we may express, as emanating, at least, from an honest and respectable source. The citizens of this county, sir, have, in common with their countrymen, suffered long from aggressions of the European belligerents. And though their pressure has fallen more directly and more heavily on some others, yet the circuitous evils of them have visited us with no small privations. But com-

* This was a convention of much importance. Hon. Robert Alcock was chosen *president;* Gen. Benjamin Pierce, David L. Morrill, Esq., and Gen. David Steele, *vice-presidents;* Henry E. Chase and John Burnam, Esqs., *secretaries.*

This Address and Resolves to the President of the United States, and Address to the people of Hillsborough County, were read and adopted by the delegates, and afterwards read to the whole convention, and unanimously approved. It was voted, that they be signed by the president, and countersigned by the secretaries, transmitted to the President of the United States; and that they be published in the New Hampshire Patriot and Democratic Republican.

This Address was the first political performance of Mr. Woodbury, and gave him early reputation. When he wrote it he was twenty-three years of age.

plaint has hitherto been foreborne, from a reliance on the wisdom and integrity of our government. This confidence, we are happy to perceive, was not misplaced. After a series of injuries, negotiations, and indignities, which would long before have exhausted the patience of any people and rulers less wedded to peace than the American, they have at length risen in the violated majesty of a nation's rights, and hurled the gauntlet at their oppressors. Even France they are pledged to attack, unless atonement shall be proffered by her, ere satisfaction has been wrested from England. This bold, magnanimous deed, of the twelfth Congress, was beheld by many with sentiments of approbation. In fancy, the heroes of our Revolution reäppeared, proclaiming the charter of American independence; and we fondly anticipated that all *its friends* would once more press forward in support of it, and, as our ancestry, devote "their lives, their fortunes, and their sacred honor." Has this hope been disappointed, or are its *foes — the enemies of republics* — those alone who raise the cry of distrust and sedition? The latter, patriotism, as well as facts, would induce us to believe, is more probably the truth; for, while ancient differences of party have vanished, and men of integrity, of genius the most brilliant, and reputation the most extensive, rally round our constituted authorities, the voice of complaint vibrates now, as ever, from a few relics of our Revolutionary opposition — a few systematic revilers of the people, and a clan of their respective sycophants. That voice, elevated against an administration which vast majorities have selected, stigmatizing its measures, of whatever character, with imbecility, corruption or wickedness; — that voice, hoarse with threatening resistance to law, and summoning all the myrmidons of monarchy and faction to demolish our confederacy; — that voice has blown the tocsin of alarm over our retired villages, and awakened the republicans of Hillsborough County to refute, in a collective manner, its misrepresentation of their sentiments. What! shall such panders of sedition, and their newspaper hirelings, and the merchants of British capital, with their deluded disciples and abject dependants, — shall these men dare to guide or seek the opinions of our great mechanic, manufacturing and agricultural phalanx? Shall they describe us alienated from the administration, because agonizing under that injustice of the belligerents, against which this administration amicably negotiated till the olive withered? Shall they describe us hostile to war, because it remains the sole weapon to wield against their indignities and aggressions, — their rooted animosity and ferocious jealousies? Shall they describe us ripe for a rupture of the Union, and all the horrors of civil butchery, because that Union was created by the founders of our independence, nurtured by their example, and enforced by their precepts? Because its benefits are innumerable, — extending our empire and augmenting our opulence, — a rainbow in peace and meteor in war? These things, sir, have constituted a *crisis*, admitted to be momentous and alarming; yet, being forced on us, according to our

belief, by the joint iniquity of foreign and domestic foes, we will never, though deprecating its inevitable evils, *never* flee from it, as cowards or traitors; but rather face undaunted the enemies of our republic, with our full portion of the energies which God has lavished on seven millions of freemen. In such emergencies, an *enlarged* exposition of the feelings and opinions of electors is seldom unacceptable to those who are in authority. It is therefore

Resolved, That we consider the great compact, which binds in confederation these United States, a national act — an act which should be supported, and reverenced, and perpetuated, as the ark of our political salvation; for, among other reasons, having legally emanated from a vast majority of the people, it has become *a law*, — one too of the highest obligation, — one as to all others what God's are to man's, and which, as Washington, that father and hero of our country enjoined, we should not even *speak* of, but "as the palladium of our liberties," and not countenance so much as "a *suspicion* that it can, in *any* event, be abandoned."

Resolved, That *all* laws enacted under this confederation, and according to its provisions, ought to be fulfilled, encouraged, and respected; because they are formed with our consent, constitutionally expressed through a majority of our representatives, and have thus not only received the sanction of all, but the allegiant *oaths* of many to their support; and consequently a breach of them will entail upon its authors deliberate falsehood or flagrant perjury, as well as jeopard the whole fabric of our civil polity.

Resolved, That it is not with acquiescence, but with astonishment, — not with emotions of sympathy, but with abhorrence and detestation, — we have witnessed men who *call themselves* Americans threatening to prostrate all these barriers of moral and political duty, scattering disaffection and revolt into the very bosom of our families, and assailing that Union and those laws with the firebrands of calumny, rebellion and death: and our reasons for indulging this sentiment are, that though the leaders of "an artful and enterprising minority" have often avowed contempt for our republic, and hostility to our confederation; though suspected of intrigues for even the overthrow of the one and dismemberment of the other; though they have once disconcerted our government by an approximation to that catastrophe, and, for diverting the people from a scrutiny of their machinations, have brought every unholy engine to bear upon the passion, prejudice, and sordid interests of community; though, as Arnold accused the Congress of '76 with subjection to French influence, so have Arnold geniuses accused that of 1812; though, as the Rivingtons of our Revolution strove to excite sectional interests between the north and south, and to taint our fraternal blood with jealousies the most reprobate, so have hirelings at the present day; though, as Washington himself, being a Virginian, was branded with southern partialities, and, according to Marshall, menaced, in the very midst of our struggle for independence, with

removal from office, so has been the fate of many of his surviving co-patriots and disciples; though, in alliance with these, whole hosts of perturbed spirits have been conjured up from that pride and ambition which had "rather rule in hell than serve in heaven;" and this at the very crisis when each link in the chain of Union should be brightened to a sunbeam,—*yet we continue still undismayed.* The friends to our constitution, whether republican or federal, will form a pillar of adamant, which shall break this tempest that beats around it. And though surprised at such depravity, its very hideousness will arm them to its discomfiture with an indestructible energy, — an energy sanctified by the justness of our cause, and a reliance on that same arm which was made bare for the salvation of our fathers.

Resolved, That after the passing of laws, deliberation should for a space yield to action. Time for opposing their policy has been enjoyed; and a competent tribunal has rendered judgment. By that we will abide, till all legislative acts presumptively good, because approved by a majority, are, after full experiment, ascertained to be bad. The people and their representatives will then personally realize this, and their repeal inevitably ensues. But, as the disorganizing and turbulent have attempted, by *assemblages*, to misrepresent popular opinion, particularly on the late measures of our government, we feel constrained to come forward and express in their favor our detailed and almost unqualified approbation; and this, among a myriad of other reasons, because the conduct of both the great belligerents has towards this country been long and systematically hostile. For evidence of that, we rely not on declamation, but appeal to facts. It is perhaps enough for us to forget the attack on our liberties, the conflagration of our sea-ports, and murder of our ancestors, during the war for independence; and that these outrages were inflicted only because we had previously fled thither to a wilderness inhabited by barbarians, esteemed less ferocious than our *British* persecutors, — because we had here laid, in tears and blood, the base of a new empire, which presented wealth for their plunder and power for their jealousy. But that perfidy, originating from the *same principle*, which appeared in a non-compliance with some articles of the subsequent reluctant peace, particularly in a retention of the western posts, that produced the desolation of our frontier in the burning and butcheries of Indian warfare, and humiliated us by tribute to the savages, and planted in their breasts thorns of revenge, which have grown, rankled, and devastated, to the present moment,— these, we confess, cannot so easily be forgotten. And though Jay's treaty, however disapproved by many of the wise and good, and even by Washington, and was considered but as a *choice of evils*,— though that might have imposed on us silence, while strictly adhered to, and its temporary provisions existing,—yet the subject of IMPRESSMENT was *collusively* excluded from it; and all its articles, but the permanent ones, have long since expired, amidst our wishes and endeavors for its renewal on an honorable basis. This last assertion let the arrange-

ment with Erskine corroborate; let the labors of Pinckney and Monroe confirm. For the very persons who rail so loudly at the rejection of their contemplated treaty ought to be conscious that it contained what clearly demonstrates England's exorbitant pretensions and America's conciliatory spirit. One glance at the instrument must convince them that its clauses on the East India trade and enforcement of our commercial restrictions, if no others, were totally inadmissible. Distinguished statesmen of both parties have also pronounced this. The question of *improvement*, too, was again, as in Jay's treaty, postponed to a supplement. Indeed, this last topic, so incalculable in its interest, had, early as 1792, rendered it, in Washington's opinion, "necessary that their government should explain themselves on the subject, and be led to *disavow and punish* such conduct." This he directed to Jefferson, his illustrious Secretary, as also to inform our minister at the cabinet of St. James that "the vessel being American should be evidence that the seamen on board her are such;" and if "a settlement of this point" was not soon completed, there would be "difficulty in avoiding our making *immediate reprisals* on their seamen here."

Mr. Jay ought on this basis to have effected "that settlement," considered by our political father so indispensable and momentous; but, in the hurry of concluding his treaty, says Pickering, "among the articles left unadjusted, one of the *most interesting* nature regards the impressing of American seamen;" and that, with others, as before observed, was expressly stipulated to be afterwards supplied. The credulous ambassador left England under this belief, and also indulging, as he observes, "a pleasing expectation that orders will be given that Americans" impressed "be immediately liberated; and that persons honored with his majesty's commissions do in future abstain from *such violence.*" But Mr. King was sent out; Mr. Liston arrived; negotiations were recommended; and all these "pleasing expectations" terminated, not in an additional article to the treaty, not in a release of our countrymen, not in subsequent forbearance from *such violence*, but in a mere *proposal*, which even President Adams reprobated; and our minister himself, since federal candidate for Vice-president (Mr. King), indignantly spurned, as sanctioning "a principle which might be productive of greater evils than those it was our aim to prevent." And can they be friends to *our* country who, even now, reiterate that Great Britain has *always* been willing honorably to adjust this barbarous custom? In 1806, to be sure, Mr. Monroe, after much toil, obtained from her a mere *concession* on impressment "both honorable and advantageous to the United States;" yet even that concession was refused by her to be incorporated with his treaty, and has since been disclaimed by proclamation and practice. And could Mr. Foster, in his boasted letter, intend anything else but adding insult to injury, by proposing to release all who should be proved natives of America? For have not we the same privilege as England to naturalize foreign-

ers, and then protect them, with other citizens, by *our flag?* This denial to others what she claims to herself, says Chief-justice Marshall, converts "the practice into a question of power, and not of right." But even "*natives of America*," says he, "*they* are impressed; *they* are dragged on board British ships-of-war, with evidence of their citizenship *in their hands*, and forced by *violence* there to serve, until conclusive testimonials of their birth can be obtained." "These," says he, "must generally be sought for on this side of the Atlantic. In the mean time, acknowledged *violence* is practised on a *free* citizen of the United States, by compelling him to engage and continue in foreign service." "The mere *release* of the injured, after a long course of service and *suffering*, is *no compensation* for the past, and *no security* for the future." If, then, such be the facts, such the principles, and such their authority, we ask what measures should have been adopted? To liberate *one* citizen from confinement, Greece welcomed a ten years' war. Will the opponents of government, then, inform us how much longer time ought to have been employed, — to use the judge's language, — in "unsuccessful remonstrance and unavailing memorials," with above SIX THOUSAND of our citizens in bondage?

But the rapacity of England could not so violate the rights of person, without assailing also those of property. A commerce bleaching every sea was too tempting a prey. Jealousy of our naval greatness, a dearth of resources to support her own vast expenditures, and that wantonness, that abandonment of principle, which power frequently engenders in a conflict with mere right, all combined to produce those gradual aggressions on our neutrality which have augmented to their present heinousness and ruin. In 1805 they burst forth in a manner the most flagrant and unwarrantable. The rule of '56 was revived,— a measure which, by one fell swoop, conveyed almost our whole carrying trade into the grasp of British cruisers. No provocation, no State necessity, no settled principle of national law, could or was pretended to extenuate this deed of piracy. And hence, a long year before blockades or decrees, or the orders in council, all our sea-ports covered the tables of Congress with supplications for war,—war against *England*. Even the Senate, that body so grave and deliberate, with not one dissentient vote, pronounced it "an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutral rights, and an encroachment upon their national independence." And can some of these very men now protest that Great Britain has done us "no essential injury"? That the war is "impolitic, unnecessary, unjust"? That "*France* was the *first* aggressor"? We have not time, had we the disposition, to wade through that morass of blockades, decrees and orders, which succeeded this wanton attack on our commercial rights. All of them, however, and particularly the last, even Mr. Bayard denominates "destructive to neutrals," and "covering injustice with the cloak of retaliation." "They violate," says he, "the plainest rights of the nation." "It is a doctrine which

we must resist." And we have resisted it. Honor, interest, justice, all summoned us to resist it. The insulting repetition, too, of Mr. Foster, but a few weeks prior to the 18th of June, "that Great Britain cannot relinquish her retaliatory system on France," or, in other words, her determination and right, in contending with Bonaparte, to sacrifice the commerce of America, unless we compelled him to "rescind absolutely and unconditionally" his decrees,—that is, in relation to *all the world*, as well as the United States,—this, we believe, was not wanting to *fill* the cup of insolence and iniquity. And though by us it is regretted that *six* years since "the republican banner" had not been "unfurled" against the *then* only aggressor, before NINE HUNDRED AND SEVENTEEN of our ships had fallen victims to her injustice, yet we consider the postponement of hostilities a proof, incontestably as solemn, of our invincible attachment to peace. It is known, and even demonstrable, that neither the present or past administrations are lovers of war. In avoiding it, their forbearance became the very theme of *ridicule*. But it was a failing that "leaned on virtue's side;" and from which to redeem themselves their preparatory measures have already produced a *suspension* of the English orders,—an honorable *repeal* of which, with the adjustment of all points in dispute, we confidently believe, energy and fortitude in the cabinet will eventually effect. This war is regarded as one of resources, and not simply of men or ships. While, therefore, occasional disasters darken the lustre of frequent victory, we still look to no distant termination of it. But the greatest caution should be exercised in renewing negotiations with that court, which disavowed the arrangement of Erskine, and whose present prime minister pledged himself to reward Henry for encouraging the dismemberment of our Union. This last act of perfidy and crime, whatever may have been its success or reward, is among all governments regarded, in its patrons, advocates, or abettors, as equally abhorrent. "It is," says Vattel, "a violation of the law of nations, to persuade those subjects to revolt, who actually obey their sovereign, though they complain of his government,"—"an *atrocious* injury," "if any one *attempts*" it "by his *emissaries*." And ought a free people, an independent sovereignty, tamely to submit to such trifling? Is it to be endured, that amidst the rotation of all their miserable expedients to benumb our public feeling, avert merited reprisals, and palsy, if not annihilate, our national spirit,—is it to be endured, we say, that not only spies shall be missioned into the heart of our country, but the savages also, their merciless and now open allies, be let loose on our frontiers, "to wake the sleep of the cradle," butcher our wives, and apply the midnight torch to our dwellings?

Because these, and a host of other offences, cried for vengeance, we therefore approve of war,—war against the *first* aggressor and *greatest* aggressor,—against *one* at a time, instead of *both*; and if, before an adjustment with *this*, the other belligerent shall not atone for her

plunder, we pledge ourselves, with equal sincerity, to assail her wherever vulnerable.

Resolved, That this contest, however, ought not to be prolonged unnecessarily; but still we revolt from its cessation till there has been procured restitution for injuries and security for our rights. Because, although the trade, navy, and sea-ports of America, should all be *exterminated*, yet a peace without that restitution and security could be neither permanent or honorable. Some of these calamities we have now partially endured; and the others, if happening, shall, rather than depress, only inspire us with redoubled ardor in their redress; for, as freemen, we view submission worse than misfortune, deprecate insult alike with aggressions, and welcome poverty before disgrace. Indeed, without these sentiments, so indispensable to respect, independence, and national honor, we should richly merit, what England seems long to have meditated, the conversion of our affluence, our liberty, yea, life itself, into an infamy and a curse. In our desire for speedy if honorable "peace with all nations," let it, however, be understood, that we entreat for "entangling *alliance* with none." British fraternity and French fraternity are equally our abhorrence; and while others, with much parade, disclaim a fondness for the last and aversion to the first, we, in our republican simplicity, detest *both*. For, perhaps, almost as little exists, deserving admiration, in "that bulwark of our religion," which even now tears from all our theological sects but one the privileges of freemen, which has burnt hundreds of us at the stake, and exiled as many thousands more to the mercy of barbarians; in "that champion for the liberties of the world," who once jeoparded ours, who recently robbed Denmark of the power to defend hers, and who at this moment makes the commerce of most its plunder, the seamen of some its slaves, and whole regions of the east, with unhappy Ireland, her *vanquished and guiltless* tributaries; in "that last hope of nations," who has really favored few that she has not gangrened with corruption, and leagued with as few that have not perished in her embrace. It is seriously repeated, that in *this* we can perceive but little more to admire than in the fickle, perfidious and sanguinary Corsican. But, finally, if an internal foe, as many appearances indicate, has conspired with the external one, and shall actually coöperate to destroy our glorious Union, as well as surrender those rights already so violated, —

Resolved, That we will embody around the constitutions of our fathers and their elected guardians, and never assent to *peace or alliance* till victory or death; for, if our republic is to be overturned, if this fair fabric of freedom is destined *thus* to fall, rather than survive the catastrophe, we deem it more eligible, as well as magnanimous, to *bury* ourselves under its splendid ruins.

ROBERT ALCOCK, *President.*

HENRY B. CHASE, JOHN BURNAM, } *Secretaries.*

ADDRESS TO THE PEOPLE.

We are delegates from a respectable number of our fellow-citizens. We have taken into consideration the present crisis, and adopted such measures as the great occasion seemed to require. An expression of our sentiments has been forwarded to the President of the United States, which contained, in the opinion of those present, a fair statement of the causes, character and results, of this emergency. But it is not forgotten that in elections, and there *alone*, can the people speak fully and effectually. While, therefore, the right of addressing and petitioning our public functionaries should never be surrendered, it ought always to be considered as merely *advisory*, — as communicating popular sentiment at doubtful and alarming exigencies, and not as strictly obligatory on the measures to be pursued. In our primary assemblies, however, you can *dictate*, as well as advise; and in them, on the first Monday of November, we call upon the honest men of all parties and professions to use a language, by their votes, which cannot be misrepresented. We dread not the trial. Your sentiments have of late been notoriously *belied* by the factious and wicked. Let the day approach, let the hour arrive, when the question must be, Will you elect those who support, or those who oppose, our own government? and the majesty of the people shall frown into obscurity each disorganizer, rebel and traitor. As preparatory to a proper performance of this duty, we invoke every American to regard the origin of his constitution, its articles and present administration; to regard *our* conduct to foreign nations, *theirs* to us, and that of a domestic *faction* to both; and then dispassionately decide whom you will support. If our form of government be republican; if it be a union, and not a severance, of the States; if the administrators of it now are likewise republicans, and approve that union, rather than its severance; if they have conducted honestly toward all, and yet have been injured and insulted by some in return; — and if that faction, on the contrary, have, by its leaders, avowed *enmity to republics*, — styling them "a creature of fiction, an asp, a cockatrice," "that it could exist nowhere but in theory," and also threatened a *severance* of that Union, terming it "a rope of sand," a "millstone on the neck of New England," — if they have also palliated, and, indeed, justified, all the aggressions of our enemy, and denounced all the moderation and integrity of our *own* country, — then we conjecture that your decisions will be with wisdom and facility. In political controversies, too, among ourselves, "the reign of terror" introduced by them in '98, and in 1812 reättempted, must create more abhorrence than alarm, — more foes, we believe, than converts. Their intolerance, their menaces, their malignant fabrications, have already roused to withstand them, from the calm of civil life, many relics of the Revolution. Such conduct will rouse more. It will and must engender its

own corrective. Let, then, an unceasing opprobrium, if they so will it, be heaped on all the measures of our administration. It is not punishable under the republicans, however severely it was under the federalists. Our sacred regard to independence of opinion and liberty of the press pardons this licentiousness. But the people will mark its authors, and properly reward them,—not by retaliation, not by mobs against printers, representatives or judges, but by the finger of public scorn, and the omnipotence of elections. So, during peace, a continued justification of one *foreign* government, and as continued a reprobation of *another*, is, perhaps, almost equally harmless in law, though not in decency and friendship. But, when a constitutional tribunal, in a constitutional manner, declares war against one of those powers, it obviously alters the character of such conduct, in relation to that power. For then it becomes in fact, if not form, treacherous; then, whatever tends to or actually lowers that estimation which enemies make of our justice, our wisdom, resources, courage or union, persuades them more willingly to provoke, and enter, and prolong the conflict; and whatever tends to or actually magnifies *their* virtue, ability, success, or glory, disheartens us in the assertion, as well as protection, of our rights, and directly facilitates the path to their surrender. Can this be, toward our foes, even in the constitutional definition of treason, anything but "*giving them aid*"? Let honest men, therefore, of all parties, listen to the conversation and peruse the writings of certain persons since the declaration of war, and then decide whether they have conducted like friends to *this* country, and deserve, for their meritorious deeds, election to office. But they would excuse themselves by opposing the administration, and not the government. Is it lawful, however, to resist an administration by *bad means*, and that, too, when legal, constitutional ones are provided? By *means* which contribute to the continuance of our commercial sufferings, and the perpetuity of hostilities? By means which Washington himself prophetically denounced, in denouncing all *political societies*, as "of fatal tendency." "They serve," says he, "to organize faction, to give it an artificial and extraordinary force; to put in place of the *delegated* will of the nation the will of a party,—often a small, but artful, enterprising minority." The leaders of federalism, however, are not content with this. They do more than oppose the administration, and that, too, by *unlawful* means; *they oppose even the government*, — yes, the *constitution itself*, — that is, a republic. They have pronounced it "inefficient," "unnatural," "impolitic." Monarchy has received their eulogies, and their measures, as well as principles, have tended to its establishment. *That, too, is a confederation of the States.* They have menaced, even in Congress, that this confederation should be dissolved,— "amicably if we can, forcibly if we must." They have said "we should live better separate than united;" that "the Union is neither for our interest or safety." They have exhorted the people now to resume their natural rights, and hurl defiance at the

constitutional provisions. All these things are too notorious for denial; because reiterated by individuals, journals and assemblages, till the ear even deafens. But, if honest federalists disclaim assent to these enormities, like a Dexter or Pinckney, then, like those worthies, let them rally round the legal authorities; and not commit the absurdity of reprobating such sentiments, and still vote for those who utter or patronize them. For that is becoming accessory, if not principal, to the whole decalogue of their flagitious tenets, and the whole series of their disorganizing measures. This now is the question, — Does that candidate you are incited to elect act *for* the government, or *against* it? Consign, for a moment, all *other* distinctions of party to the grave. Once let every man imitate his ancestry. Once become Americans in word and deed. The *spirits* of Franklin, Warren, and Hancock, are surely not extinct. Regard to foreign nations must, therefore, be swallowed up in devotion to our own; and each freeman, when about to give his suffrage, will ask, not simply what is professed, but what has been *done*, by him he shall support. The inquiry, great and impending, should be, Does he join, does he belong to, that faction, who, as appears above, *oppose our own government?* and in that manner, even if he be inactive himself, yet, by uniting with them and increasing their number, he emboldens or abets his companions to pull down the pillars of our constitution, and drag us all as suppliants and victims to the altar of British mercy! After full deliberation on these points, your brethren of Vermont have acquitted themselves manfully. They have succeeded in electing their candidates by majorities of thousands; and, in the very mouth of danger, erected themselves into a wall of granite on our frontier, as impregnable as their glory shall be imperishable. New Hampshire loitered not behind her sister State in the Revolution; and we can now also calculate, with confidence, that she will "*go and do likewise.*"

ROBERT ALCOCK, *President.*

HENRY B. CHASE,
JOHN BURNAM, } *Secretaries.*

A SPEECH DELIVERED IN FANEUIL HALL, OCT. 19, 1841. — PARTY SUBJECTS.

I AM not used to scenes of this kind. My life has been spent rather in courts of law, in senates, and the secluded labors of the cabinet. But why should I hesitate or *fear* to face my friends,—warm-hearted and kind friends,—asking my presence at so favored a spot, in a great crisis and a *great cause*, when I never feared to face even enemies in any place or manner the most inquisitorial? What is the reason of this? Nothing in the humble individual before you, but everything in the cause. It is the character of the cause in which we are all embarked, the progress of human improvement and popular rights, which sustains and animates us, and is, indeed, the last hope of oppressed humanity in every quarter of the globe.

If it be asked why such a charm and magnitude should be attached to it, I answer, because, though intermingled, at times, with transient and local questions, this cause enters deep and wide into all the important movements in society. It is the same which, under different names, forms, and aspects, has been convulsing the social system since the origin of our race. Its principles have often been developed,—not always, to be sure, but often,—in the struggles between the few and the many in every age; between the ambitious and the lowly; avarice and honest industry; office and private life; rank and the masses; exclusive privileges and monopolies against equal rights, liberty, and free trade; strength against dependence; combination and coalition against individual weakness; and, in fine, aristocracy of all kinds, whether of birth, money or power, against the unpretending democracy of numbers. Exceptions, without doubt, will always exist. Yet disguise, and gloss over, or pervert facts and principles, as has been done in all countries, some of the interests involved in such conflicts have been alike in their essence, and, amidst all sects and schisms, have contended for supremacy, like the fabled deities of Darkness and Light, in some systems of philosophy, struggling constantly for the government of the universe.

But, thanks to God, we, or most of us who are assembled in this place consecrated to struggles for liberty in by-gone days, stand arrayed on the liberal side,—in fine, on the glorious side of *the greatest good to the greatest number*. And if our efforts in the contest now waging among and around us are proportioned to the excellence of our cause, we shall behold the greatest number espousing it,—not only in our sister republics, under the *second sober thought* of this victorious autumn, but in Massachusetts herself, whose democratic sons, under all reverses, have in this noble cause proved themselves unterrified and renowned.

It is vain to attempt to separate State parties and State contests from the influence of great general principles, or from the solicitude and coöperation of others engaged in their support. Those principles are interwoven with everything, inseparably as light and heat. It is equally vain to seek to disunite them, and be isolated from the politics of the General Government,—that government which controls the most vital interests of the whole, and, in its operations and character, is the chief exponent of all to the rest of the civilized world. To talk of such *solitary grandeur* is to mistake weakness for strength, and to lose the sympathies which make us one and all aid one and all in every important struggle. Separation or disunion from the others, in a State that has been among the foremost, by flood and field, no less than in the public councils, on questions affecting the whole continent, would also be treason to the memory of the illustrious dead, whose memorials around us would waken almost the stones of your streets to exertion. Indeed, much more, in one view, exists to animate you than roused your fathers in a like formidable contest, under names and principles only in some respects different, but closely similar in tendency. The same harbor, but now crowded with masts and commerce, spreads its waves before you which witnessed their intrepid patriotism in the general cause,—in the cause of the whole continent,—to destroy all means of collecting a tax on tea, which they deemed unlawful as well as odious. The same immortal heights, but fuller with population, surround your city, where they poured out their blood like water to defend the general cause—the rights of all the colonies—against usurped power and perfidious legislation across the Atlantic. The same Cradle of Liberty—though guarded with much greater wealth and numbers, as well as improved laws and freer institutions—can again rock with exhortations against general as well as local misrule, and against an army of venal office-holders quartered upon the people, in the language of the Declaration of Independence, to eat up their substance; or, in the fervid eloquence of your own Hancock, to dragoon them into submission.

Nor are you men, any less than they, formed selfishly to hold back in a national crisis; with less of mind, soul or heart, to face peril; or with less at stake of wives, children, friends and homes,—or, in fine, of "lives, fortunes and sacred honors." No; democracy is a unit: and democrats will, with fraternal confidence and with martyr zeal, unite their efforts, till they can unite their rejoicings in one common triumph through the Union.

But, beyond and above all which actuated your fathers to take an interest in their elections, and discussions as to what concerned the whole, you have a wider and greater whole to coöperate with:—at home, twenty-six States instead of thirteen colonies; seventeen millions instead of only three millions of people;* —and abroad, new coad-

* In 1851, 31 States, and a population of 23,347,884.

jutors; a more enlightened age; systems and principles, if not new, yet resuscitated with new energy, and agitating all society, and the foundation of many of its best interests, in both hemispheres. They struggled chiefly against particular despots, tyrants, or aristocrats; you contend against despotism itself, tyranny itself, and aristocracy itself, in all shapes, plans and designs. This, in some degree, has produced a new era, in which both Americas have been revolutionized and Europe reformed. The progress of civilization everywhere, as well as in the United States, has become involved in the crisis. Your war is not only against bad men, but bad systems, bad legislation, bad usages, bad education, bad opinions; not, as some have misrepresented, against constitutional laws, honest contracts, really vested rights, sound morals, order, property, or religion,—but, in fine, against abuses and errors as to all of them.

In this warfare, unfortunately, our own citizens became early divided, and have since presented two leading parties. The contest is, therefore, going on nominally between their respective men and their immediate measures, but really between the great principles, tendencies, and results, which each favors, in their general mode of thinking and action.

From the first, we had the misfortune to possess statesmen among us who aspired more to independence than republicanism. Rebels, if you please, against George III., but not rebels against monarchy. Converts, if you please, to revolution, but not to democracy. They remained the worshippers of old systems, and wedded to ancient forms, and distrusted the capacity of man for self-government. It is not to be concealed that some were still monarchists,—doubtless honest monarchists, but still monarchists. Some aristocrats, and honest, but still aristocrats. Some disciples in all things of Alexander Hamilton,—not only in his United States Bank and funding system, but in his high-toned notions of government and society; content with what existed, rather than seeking more; with what was established, rather than urging improvement; with what was literary, fashionable, or savoring of good society, rather than aiming to instruct better and elevate higher the masses; advocates of more power to the executive and stronger government, instead of the governed being more intelligent and privileged; in fine, federalists in principle,—honest federalists often, but still federalists. They were not the apostate, bastard, corrupt recreants who have frequently, for the loaves and fishes of office, —mere plunder and pelf,—joined, and controlled, and disgraced federalism of late years. No! They were sincere followers of the old school; and highly respectable in private as well as in public life, for talents and virtue, however misled and dangerous in their political opinions in a republican government.

The democratic party, on the other hand, have felt bound from the outset, and still do, to oppose such unjust theories, and such a stationary policy, as well as measures so unequal. In short, they con-

sider them hostile to our form of government, and the true spirit of our constitutions, no less than the most vital interests of the citizens at large; and also as behind the progress of the age, as false to the rights of man, as opposed to the spread of civilization, and, more than this, as illiberal and anti-Christian in all their tendencies. Such, then, is our general cause; such, theirs. Such is that of our liberal co-laborers throughout the world, against the antagonist party under every protean shape which power and deception can devise.

Formidable even here as our opponents are,—by talents and wealth,—their greater success elsewhere renders this peculiarly the asylum and the citadel of free principles for all countries. How strongly, then, does it behoove us at all times, occasions, and points, to be armed in its defence, and much more on the approach of our elections! If the elections do not, in each case, involve all of the points of difference, and settle for any great length of time many of the momentous questions which agitate society, they always operate on some of them. However local or temporary some of their immediate objects, yet the leading men infuse into them forever much of evil or good, both by example and precept, as well as opinion.

The great cause to which I have alluded is retarded or advanced, to the injury or benefit of untold millions, by every victory or defeat of its friends at the polls, on a scale however limited. The elections, also, though not exactly the warfare itself, furnish the great occasion for ascertaining its results. The warfare is indeed here to-night; it is everywhere, and during the whole year. It is in the counting-room, the street, the workshop, the field, on the vessel's deck; but the elections are the places and the times for a final reckoning. They are the great day of account, if they are not the battle-fields; and if ballots are there used instead of bayonets, they give us the numbers on each side, and the killed, and wounded, and missing, from the mental disputations and contests which have preceded. They show what has been effected by useful hints here, by exposing misrepresentation there; by intrepid appeals to duty in one place, intelligent books and independent presses in another; by misrule developed, or the detection of confidence betrayed, everywhere. Before they take place, we contend with open doors, open hearts, and open principles; while our enemies have fought in ambush, and still rely on power more than right, and are already appalled at the prospect. Notwithstanding this, it becomes us all, in season and out of season, to keep our lamps trimmed and burning; and though, in a righteous cause, always trusting in Providence, yet, at the same time, always taking *special* care to keep our powder dry for the fight. Use no measures but arguments,—no influence but reason. With a desperate foe, never sleep but on your arms. Eternal vigilance has more than once been justly called the price of liberty; and well have you illustrated it in former elections, when, after years of hope deferred, you persevered under the most fearful odds, till you *triumphed by a*

single vote. All you need now is the same resolute perseverance and undiminished ardor, with the same steady, inflexible, trustworthy spirit, to insure another triumph for your chief candidate in the field. You do not belong to the party to stay beaten. Morton is the pilot, who, I trust, will again *weather the storm.* Why should he not? What is there in the present crisis, what in the agitating topics of the day, what in all that is daily happening around us, which is calculated to dishearten? On the contrary, we have quite as much in all these to encourage us, even in these local struggles, as we have in the great principles of public liberty, and public virtue, and public improvement, which distinguish our friends and their cause over the whole world.

Some twelve months ago, to be sure, we witnessed much to shake the confidence of the friends of equal rights in their security and further progress. This arose not merely from the temporary success of our opponents in the last presidential election, but from the success of such bad means; means so much worse than usual, and so discreditable to their authors, and, what was still more to be deplored, so degrading to the purity and stability of all free institutions.

The scenes of degradation and demoralization which preceded that election were not of American growth; they were basely foreign in character. They must have been imported by our opponents from countries where the lower ranks are ignorant and inexperienced, and accustomed to debauchery, and where votes are bought and sold like sheep in the shambles. Their influence must be short-lived, where intelligence and virtue among the electors are not utterly exterminated. Never can results thus produced, or results attempted to be perpetuated by means such as those proposed at the late extra session, triumph long here. Indeed, it is a part of the providence of God everywhere, that *unlawful means* can no more be used with safety or durable success than unlawful ends. Hence they have, in this instance, already proved the seeds of overthrow to those who used them. The profligate engineers have been blown sky-high by their own shells. The revulsion is not only begun, but advanced. The people are not merely awaking, but awakened. And overwhelming ruin is written on the walls of the political palaces of our opponents, in warning as legible and deep as ever dismayed tyrants in days of miraculous interposition.

Let us devote a few moments to a consideration of some of their means and measures, as a memento for our children to shun, and as an excitement for us, and all who value virtue or liberty, to punish such outrages on them at the polls, in the ensuing election, by the most signal reprobation.

Look first at some of the reckless charges they trumped against their predecessors. In the front rank was a host of *Ogle fabrications;* and, what was worse, after being proved on the floor of Congress, by one of his own political friends, even by one of your own ex-governors

and present collector, to be full of exaggeration and hypocrisy, thousands calling themselves honorable men aided in disseminating those falsehoods in every section of the Union. Next came the convulsive horror at the use of *bloodhounds*, though employed to detect the ferocious savage, who had spared neither sex nor infancy, and had for years covered an exposed frontier with conflagration and butchery. But, what is worse, the very territorial governor who recommended, bought, and used them, was a whig, addressing whig conventions, and has, by a whig administration, been reäppointed to the office from which the abused democratic one removed him. Next came the really laughable charge of usurpation intended by a *standing army!* A standing army, composed only of citizen militia! Yes, a citizen militia converted into an army voluntarily to destroy their own liberties, and that on a most dangerous plan, it was pretended, but which had its origin in principle under *Washington, and had been* particularly recommended by Harrison himself. Shame, shame on such hypocrisy! But, perhaps, enough of this scrutiny. Next, then, came the charge of a *forty million* debt! Reiterated over the whole Union, and yet now admitted not to exceed *twelve;* and half of that twelve manifestly caused by themselves. This was done by them in only half a year, and near sixteen more was attempted to be created for a national bank, while their predecessors were twenty-four half-years in forming as much as five or six millions; and, in the mean time, saved and deposited with the States near thirty millions, though their successors have not deposited a dollar with them, and will not, without the aid of increased taxation. Next came the complaint against the use of *treasury notes*, which saved from two to three per cent., on the average, compared with their twelve million loan. The notes allowed all the middling classes to participate, while the loan benefits only banks and nabob capitalists; and the notes, however derided, did not, on the 4th of March last, equal six millions, while our opponents have since authorized loans equalling more than twenty-five millions, and resorted to treasury notes also, whenever able, under former laws.

Next, *extravagance of expenditure*, being, the last year, but twenty-three millions, when they contemplate twenty-seven or twenty-eight this year; being larger in former years only under large expenses in Indian wars, and uncalled for appropriations for other purposes made by Congress, to the extent of thirty or forty millions. The average in Mr. Van Buren's administration did not exceed twenty-seven millions, instead of thirty-seven, as pretended often; and his last year, reduced to twenty-three millions, was leading the way to only twenty in this year, that being only the amount of the average ordinary expenditure of the whole last twelve years, pronounced so extravagant by those who have exceeded it seven or eight millions. I ought to pass over other topics of their groundless charges, lest too great an encroachment should be made on your time.

Look at the losses by receivers, collectors, &c., so falsely presented and exaggerated. A list of the whole, from the foundation of the government, during half a century, has been circulated and placarded by these honest politicians on every post and corner, as the amount lost during only the twelve past years of democratic rule. Much of it has also been attributed to the sub-treasury system; when, in truth, the losses have not been a single dollar under the sub-treasury, and when its whole expenses yearly do not appear to have equalled thirty thousand dollars; when all the losses by collectors and receivers under General Jackson were not as much as in various former administrations, with a United States Bank, or as the losses yet unsettled to the treasury by the United States Bank alone; and when all the losses under Mr. Van Buren (including Swartwout himself, recommended to office at his second term by whigs, voted for by whigs, chairman of the panic whigs, and once nominated as a candidate for Vice-president by whigs), not all equal to the losses in the last four years, in more than twenty cases of broken banks; nor one-twentieth of the amount lost by the public and its stockholders, through the United States Bank alone. Even now, after all the tirades against the last administration on account of Swartwout's default, we are told by the very last whig papers themselves, that all the vituperation has been groundless, the defalcation trifling, and the whole well secured. In fine, without being too tedious, the past administrations were falsely charged with *ruin*, *ruin*, general RUIN, every year since General Jackson's election, as well as since Mr. Van Buren's. *Ruin*, from imputed harshness to the Indians in Georgia, where civilization and Christianity were only then attempted to be extended; *ruin*, from the veto of the bank in 1832, which veto their own President has repeated in 1841; *ruin*, from the removal of the deposites, which the law expressly authorized, and from an institution that has since failed, and been pronounced, even by some of the whig partisans, a *public nuisance.*

But enough of charges so groundless and absurd. Well calculated, to be sure, to mislead for a time; but yet, after detection and full exposure, calculated also to recoil, and overwhelm, as they are now doing, with shame, desertion, and defeat, their heedless authors.

Look next a moment at the reprobate character of the other practices and principles under which they sought and procured power. Their course, as a party, was to promise nothing, but abuse everything. At the same time, fragments of the party, in particular places, promised everything, and in others resisted everything. In one place the fragments were United States Bank, in another anti-bank; in one high tariff, in another anti-tariff; in one abolition, in another anti-abolition; in one pledging all offices to old incumbents, in another all to new ones.

But, as a party, and a whole party, when asked for their joint common principles for administering the government, they referred you to nothing, but their philosophical and argumentative *coon-skins and*

hard cider. If you inquired for their plans of reform, you were answered only by *log cabins or gold spoons.* In fine, the loftiest among them admitted that their resolution was to *oppose everything and propose nothing.*

Even at Harrisburg, where the magnates of their cause assembled, you could obtain no opinions on the constitution, the currency, the distribution,—much less abolition, or the United States Bank. All was concealment, noncommittalism, inglorious secrecy,—nothing, in short, about any great principle, or question of constitutional liberty, or public policy, but simply "Tippecanoe and Tyler too."

It was "*Tippecanoe and Tyler too,*" morning, noon, and night, at taverns, pipe-layings, log-cabins, halls of legislation, and, if not in churches, at least in aristocratic drawing-rooms. It was the league of black spirits and white, of all hues, opinions and creeds; and all not for one single great specified object, except "Tippecanoe and Tyler too;" and that to be attained through all kinds of misrepresentation and delusion, all kinds of mummery and parade, all kinds of sensual and sordid appeals; indeed, all kinds of political debauchery, from treating down to Badgerism and Glentworthism; and all kinds of inconsistency, from running two candidates to establish a Bank of the United States who had both uniformly opposed it, and two to enable them to seize on all the spoils of office who had uniformly denounced those spoils, and all removals for opinion's sake.

What could common-sense, philosophy or cool reflection, anticipate to happen, ere long, when the mask was stripped off from such a chaos and profligacy of principles? Nothing less than what experience soon verified. Those who sow the wind must expect to reap the whirlwind. The end, in one sense, came more quickly than any anticipated,—in less than one short month.

In less than one short month,—ere the baked meats of the inauguration, with all its senseless pageantry and "glorification," were cold,—they had falsified most of their pledges against removals, and by importunities and bickerings not only embittered the life, but hurried to a painful grave the gray hairs of their chief magistrate.

It is a singular coincidence, that the cold-blooded persecutors for the spoils of office were allowing the timbers of the last log-cabin in the capital, the great emblem of their cause, to be pulled down and trodden in the dust beside his ashes, when these last were being conveyed from the city.

What has been the fate also of his colleague, of "*Tyler too,*" before the first half-year of his Presidency closed? Burnt and shot in effigy over half the Union, denounced in their conventions, black-balled by their presses, and, in fine, proscribed in Congress itself by all the great leaders of the great Harrisburg piebald coalition.

What sudden retribution! What changes beyond the romance of the wildest Arabian tale! What a stupendous coalition sapped by its own bad principles—overthrown—scattered in fragments over the

earth, in only half a year! It was almost miraculous madness, which led them to persevere, as they began, in such a universal disregard for all their solemn pledges against removals for mere opinion's sake, — pledges given everywhere and in every form, and by almost every conspicuous politician. In this matter their wantonness almost exceeds credibility. Did they suppose the whole community had adopted a Paul Clifford rule of conduct and belief? Did they suppose that the people at large had neither memories nor morals? Is breach of faith to be a part of the creed of our opponents? Can they regard hypocrisy as a virtue? — violation of pledges as honorable? Did they expect to retain public confidence by breaking it, and to deserve future trust by a profligate abuse of all past trust? If they did, it is fortunate that the false disguise has been stripped off so early, and that they now stand *unwhigged* before the scorn of many of their own party, and the jeers of the world.

They have been equally unfortunate, if not perfidious, in several other respects. Thus, on the great and absorbing question of the currency, they have accomplished little or nothing, except to get up a malignant family feud. Their magnificent doings have been chiefly undoings. The deposite act, as to the pet banks, which they had insisted on as indispensable to prevent a despotic union of the purse and the sword, and to control a dangerous executive discretion, they have repealed in hot haste, before any system had become a law in its stead; thus, by blunder or design, restoring under themselves the very condition of things they had anathematized under others. Not content with this, they committed the like folly as to the sub-treasury, though so excellent in some of its provisions as to force on themselves a renewal of them; and so wise in all its essentials, that no constitutional, safe, and permanent substitute is very likely to be devised for it, except with some modifications as to the currency originally recommended with it in September, 1837. Indeed, the great whig argument against it, that a verdict had, by the former elections, been rendered against it, has already been nullified, and the hundred thousand changes of votes already ascertained since last autumn, and, indeed, since its repeal, furnish the strongest whig argument to restore it, and to drive the advocates of a national bank into more than Andalusian shades.

How ludicrous has been their tinkering with this subject at the late extra session, till they fell together by the tongues, — not to say ears, as in one House of Congress, — and then, like termagants, broke up with a regular row of caucus-scolding!

Instead of confining banking to those who have spare funds to loan, they tried to dabble in it themselves, though without spare money, and compelled to resort to an immense debt to be embarked in so unpromising a speculation. Instead of providing capital for commerce, where a sufficiency did not exist, they sought to swell the amount of what was already over-bloated, excessive, and unprofitable. Instead of reducing, by their system, executive influence, they increased it ten-

fold. Instead of letting the government keep its own money, as it keeps its own ships, forts, lands, and buildings, by its own officers, amenable to it and accountable for defalcation under severe penalties, they attempted to put it in the power of bank stockholders,— at times, titled, inimical, and irresponsible foreigners,— such as some Countess of Paper-rags, some Duke of Shinplasters, or the Barings, or even Louis Philippe. Instead of leaving substitutes for specie to the States, that may need them, and who can, by only willing it, at any time, make them sound, they have sought to absorb the whole subject of the currency into the hands of mere jobbing politicians. Under pretence of doing some small exchanges for themselves, they have argued the power to do all exchanges for others; and they have thus attempted to regulate, cheapen, and equalize, the whole exchanges of the country, amounting to several hundred millions, by legislative corporations, when they might as well regulate and reduce the tides of the ocean by such corporations. They might as well control prices of merchandise and produce, and fix new regulations for the movements of even the planetary system, as alter by legislation the great laws of trade that pervade and govern the whole civilized world.

The real difference of exchanges between two places, you know full well, cannot exceed the cost of carrying specie from one to the other; or else specie would be carried, instead of buying a bill of exchange. Now you know, also, that the cost of carrying gold from the remotest points, St. Louis or Detroit, does not exceed two per cent. Hence it follows, inevitably, that all the party slang as to high exchanges, without a national bank, is groundless; and that what trading politicians please to designate as five, ten, or fifteen per cent., as a difference in exchanges, is not a difference between exchange of specie, but of specie in one place and bad notes in another. Such a difference they might find across one of your own streets, between the exchange of specie for the notes of a broken bank. You might as well call the difference between the exchange of a sound horse for an unsound one, in different cities, a difference caused by their distance from each other, rather than by their unsoundness.

Only last winter (to give a practical illustration on this point), when exchanges were quoted, by political presses and bankers, as from three to five per cent. on New Orleans, I exchanged two hundred thousand dollars of specie in New Orleans for the same amount paid me at New York, without paying a single dollar for the difference in exchange.

Nothing can cure such ignorant or speculating interference, but some little acquaintance with the true principles of banking and of commerce, and some restraining grace in politicians not to make the public the goose to be exposed to be constantly plucked by a combination of speculators, sharks, and blacklegs. Had neither of the bank projects been vetoed, those miserable schemes would both have fallen still lower, except for the public capital and credit connected with them;

and Captain Tyler, as well as the constitution, would both have been headed in vain; and the public would, in my opinion, soon have been more thoroughly undeceived than they even now are, as to the folly and imposture of both measures. The people can always have specie, or its equivalent, when they insist upon it; and, whether they resort to a *Macon specific*, or *hard money* alone, as provided by the constitution, the fault is in themselves, in not having good laws, or in not inflexibly requiring them to be executed, when they are subjected to the miserable vacillations and depreciations of suspended bank-paper. The axe can be laid at the root of speculation and profit; and sound money will abound as much as sound timber or sound ships, if the demand for them is only made steady and firm. The stupid idea that coin enough, if required, does not exist in the world for a circulating medium of specie here, when it exceeds in America and Europe alone fifteen times all needed here, is worthy only of the superficial flippancy that gives birth to such crudities. The specie flag, kept flying by the General Government in 1837, saved to us specie enough for three-fourths of the whole amount desirable, and relieved the country from the abominable twenty-five years' suspension looked up to by Mr. Biddle as the English model for our imitation,— one of the consequences of which has been developed in the rotten insolvency and ruin of the United States Bank under his boasted auspices.

I would fain pursue this subject further, did time permit, without wearying your patience, and encroaching on ground allotted to others. A word or two as to some of the other measures, and I have done. It may suffice to remark, as to most of them, that they were in close keeping with the contempt of public decency and public pledges, as well as the disregard of democratic principles, which have already been exposed in the others. On this allegation, we are ready to meet them everywhere. On this, especially, do we choose to meet them at Philippi — at the polls. They have been met in it there already, by a once deceived and now indignant people, in many of the States. The hour of meeting and of reckoning here approaches. You have made up your minds, I trust, unchangeably, on several of the other points in their public career; and I will now briefly, but plainly, openly, independently, boldly, tell them beforehand what, in my opinion, they are, and what such unfaithful stewards must expect from your ballot-boxes. First, you will not countenance public perfidy. No matter whether in false accusations against former rulers, or broken promises as to proscription, and, above all, to retrenchment and reform. Next, you will not tolerate succumbing or truckling to foreign powers, and more especially our ancient oppressors. No hasty willingness to surrender supposed offenders without either trial, indemnity, or even apology, and no deferring to take possession of the disputed territory on the next 4th of July, as promised, to the next, the next, and we fear the next onward, till the "last syllable of recorded time." Massachusetts, as well as Maine, has a deep interest in this question. We want peace,

but we do not want dishonor; and it is not, and must not be in the true American heart or nerve, ever to prove craven, or unfaithful, to either national rights or national honor. Next, you will never endure that the public domain be squandered, and its place supplied by permanent loans, or augmented taxes. The government, as a whole, has been plundered of its principalities, large as half the size of Europe.

Remember that there is no surplus, and that every dollar of our public territory given away has to be supplied by more than a dollar's tax; and that Massachusetts, for instance, in getting $140,000 by the distribution law, has to repay, under an increased tariff, quite $180,000 to restore the principal, and the expense, as well as loss, of collection and transfer. Remember, too, that the poor and middling classes are obliged to pay of this $180,000 at least twenty or thirty per cent. more under a tariff than they would have to pay if the money was wanted by Massachusetts, and collected by herself under her own system of taxation, which properly falls heaviest on capital, and less on labor than does the tariff. Remember, too, that these losses are inflicted on us so as in effect only to aid British bond-holders abroad, and wealthy political jobbers at home. Next, you will support no wasteful addition to the public expenditure, which, at only the extra session, our opponents have augmented nearly six millions, by such unprecedented schemes, among others, as granting civil pensions. assuming naval pensions, assuming post-office expenses, and assuming the support of lunatic paupers. Nor will you tolerate any star-chamber inquiries, with secret and inquisitorial powers, to hunt down political opponents, and provide for starving office-seekers.

Tell them, too, you want no Biddle bank, coiling, like a huge sea-serpent, its leviathan folds around every antagonist interest or institution, and strangling its victims at the nod of party caprice, or party dictation, on either side of the Atlantic. Tell them to keep off profane hands from destroying the veto power in the constitution, which they threaten. It is the people's tribunative prerogative, speaking again through their executive. And if the popular voice is to vote, independent of the forms of the constitution, as they argue against the use of the veto power, then all of them and their schemes are already check-mated and overruled. If half of those in either House resigned who are now in a minority at home, the gasconading grandeur of the administration, last March, or even last June, would become a mere worthless hulk.

Nor will you tolerate any useless increase of taxation or national debt. The latter you never believed to be a national blessing, but a curse in time of peace; and the former is utterly indefensible, whether it equal only the old tory tax of threepence a pound on tea, which goaded your fathers into revolution, or whether it keep up on most of the great necessaries of life double the odious tithes, from the oppression of which they once fled to this iron-bound coast and to a savage wilderness.

It has been reiterated, as a matter of taunt, that even I, on whose motion tea and coffee have been exempted from taxation, was once of a different opinion. This is of a piece with many other calumnies and misrepresentations of the day. To be sure, I once said that, if the imports continued small as in 1838, and if the public expenses were kept high, or not reduced, it would be necessary either to violate the compromise, limiting all duties to twenty per cent., or impose duties on coffee and tea. But I said at the same time, and have a thousand times repeated it, that not only would the imports be materially larger, but the public expenses should be reduced, and then that several articles might be exempted, including coffee and tea; and accordingly I moved to have them exempted, and, thanks to Providence, they are free!

But still our foes compel the people, by a needless tariff, to pay three millions more within the Union than they would be obliged to pay without the boasted distribution bill of the last session. Thus are we ground down with a tax on our clothes and our leather; our salt and molasses; our sugar and iron; — indeed, much of all, besides tea and coffee, which we either see or taste, wear or use, except the drugs and poisons to kill us.

If we live or die, ride or walk, marry or be single, remain poor or rich,— still, in some shape or other, from the cradle to the grave, taxation under the present tariff, like cankered care, stalks beside or around us, as inseparable as our shadows. On the contrary, we want industry and enterprise to be free,— "free trade and sailors' rights," all the world over. We want the just reward everywhere and in everything of honest labor. We are not foes to manufactures, any more than to agriculture or commerce. But we say, let all have equal rights,— let all have a fair field and a clear deck. Is not tilling the soil, or ploughing the ocean, as much American industry as moving a spinning-jenny? Are not all the toils and mechanical arts connected with farming and trade useful and commendable, and to be encouraged, as much as weaving or spooling? We want no hot-bed protection in either, to disturb capital from its natural channels, or to make the rich richer and the poor poorer. On the contrary, give us equal liberty in all. Last, but not least, you never will countenance any marked hostility to the laboring classes, in any form,— much less by annulling the salutary ten-hour system, or capriciously lowering wages. We are all, it is hoped, practical as well as theoretical democrats. We go for substance, more than names.

We care not for claims to democracy, whether under an October sun or an October moon, set up by those who have long reviled Jefferson and Madison, the fathers of our democratic faith. Let us have deeds, rather than words. If such pretenders are democrats, those fathers were not, and we are not. Let us not trust the Declaration of Independence and the constitution, as well as the resolutions of '98, to be construed and enforced for us by those who advocated the alien and

sedition laws, reproached Mr. Madison as deserving a halter, denounced Jefferson as under French influence, and supported, in 1832, '39, and particularly in '41, United States Banks, as well as gag-rules and gag-laws. Thank God, all this kind of masquerade humbug is coming to the light! The bubble has been pricked — burst. The promises and pledges before the election have been openly violated. Tell them to change creeds, or not to change names. The democratic church is liberal, but she wants converts, not spies. The relief which was to come from our opponents proves in the end to be oppression. The economy expected turns out to be extravagance. The time for their retrenchment is never the present time, but always *to-morrow, and to-morrow, and to-morrow.* The reduction promised in expenses is augmentation, by millions. The better times which were to refresh and enrich all classes have proved the worst — except the gradual cure which increased industry and thrift will alone in time produce, and which intermeddling legislation often retards. The true bone and muscle of the land, whether merchants, mechanics, or farmers, seamen or laborers,— whether heretofore under the whig or democratic flag,— are tired of this wretched system of change, pretension, and hypocrisy. I concede cheerfully that members nominally in the ranks of our opponents are men of private worth, and are kept from our ranks only by prejudice, indifference, or delusion, on political topics. Their reason and conscience often approve our general principles, while their habits, and associations, and timidity, disarm them. I war not with such, nor impugn their motives. I only invoke them to exercise courage, as well as inquiry,— alter their views, when found untenable, as virtuous citizens and real patriots should,— and then perform their duty like the sons of noble sires, who scented tyranny in the breeze, and many of whom died martyrs in the holy cause of liberty. The whole country around them is becoming watchful and indignant. Every quarter is loud with scorn at the impositions which have been practised,— burning with the cry of shame on such moral outrages,— ardent to avenge on their betrayers unfaithfulness, insults, and injuries. The ball has recoiled. We are, to use the old language of our opponents, *in the midst of a revolution.* And let me congratulate you that never shone out brighter omens, or in a brighter sky, than now appear to invite Massachusetts to join the bright galaxy of republican States.

This is not declamation, or round assertion for the occasion; for more than one hundred thousand voters from our opponents' ranks have already joined ours, or refused longer to act with theirs. States, too, large as well as small, have spoken loudly, and invite you earnestly by their glorious example.

Scarcely had the present administration finished the carousals and gaudy pageantry of the inauguration, when the cloven foot of their course became so apparent, that New Hampshire opened the spring elections with an increase of her six thousand against them to eight. Permit me, one of her grateful sons,— so numerous on earth and ocean,

in the sunny south and mighty west, — to express for that first noble rebuke of whig misrule my thankfulness. No less do I express it in her behalf for the kindness evinced this night towards her and hers, by you and the eloquent speaker who preceded me. She, I can assure you, showed the same granite firmness in the Revolution as now, — proved herself to be equally granite in the last war, however overborne for a season, — granite in the struggles of the last ten years, and granite will you find her forever.

Next came Indiana, though their favorite State, rushing against them like a cataract.

Next, faithful Alabama, whose high praise is to be the New Hampshire of the south.

Next, Tennessee, changing at once from them over seven thousand votes, and thus gladdening the venerable hero's last days, who looks from her Hermitage with a still anxious eye for his country's welfare.

Next, Vermont came, like an avalanche from her Green Mountains. Next, Maine, — now *the bright particular* star in the east, sweeping all the tribes of whiggery before her like the tides in her vast bays. Next, Maryland, with almost an entire revolution, under the very eaves of the palace at Washington. Next, Georgia, speaking *as the winds come when forests are rended.* Next, Pennsylvania, once more to be the keystone of the arch. Next, is Ohio, coming as *the waves come when navies are stranded.* And New York will be most trumpet-tongued. And shall not Massachusetts rise also in her might, and take her old lofty position among the stars which shine in the democratic galaxy? Forbid her absence, ye sterling souls, whose energies and labors have done so much, and who are so well equal to the task of doing so much more! Forbid it, above all, that spirit, that redeeming spirit, which alone has improved our race in every age and crisis, and which led Luther, in the cause of duty and reform, to say he would move onward in their cause, though obstructed in his faith even by devils themselves, as thick as the tiles on the roofs of the houses! "Now, then, is the day, and now the hour," to plant your foot once more on the neck of the federal tyrant; and, if once more, it will be, God willing, henceforth and forever.

ORATION AT PORTSMOUTH.*

My Fellow-citizens: — You do well to unite with millions of our countrymen in celebrating this eventful day. Its fires should be kept alive forever, with more than vestal vigilance, because it is the anniversary of a nation's birth, and the great jubilee of American independence. For this reason I have always been willing to take a part, however humble, in trying to make the occasion memorable, joyful, and glorious. And for such a purpose, in compliance with a request from our city authorities, I come before you now to submit some views connected with the Revolution, which, on this day seventy-four years ago, secured to us the sovereign station and rights of a free people.

Considering my present official position,—withdrawn, in some degree, from the stormy politics of the day,—and considering more particularly your position, — having met together without distinction of party,—I deem it just and respectful to avoid all mere party topics. It is true that parties in a republic are often evidences of freedom and independence of opinion, and are often efficient checks on each other's tendencies to abuse of power; yet it certainly augurs well if, at any time, all can meet on one common platform, and let one pulse beat through every heart. Most assuredly is it auspicious to our unity and energy of action in times of peril, if, on this proudest festival among Americans, we are willing temporarily to forget and forgive collisions, and extend to each other the olive-branch, rather than the arrow.

Without indulging, then, in any of the spicy or fearful and exciting topics of the day, there seem to me some points of opinion common to us all in relation to the excellences and glories of the independence we celebrate.

One of those points is the great importance of that event. On that account, inspired by one common gratitude, we all join heart and tongue in one chorus of thanksgiving to the statesmen and patriots and heroes who won our hallowed independence. They established among us its immortal principles, we hope, forever.

Lisping infancy, therefore, youth, manhood, and decrepit age, come together to-day; matron and maid, as well as the sun-burnt millions from the plough and the vessel's decks, should come,—all professions and ranks, and forms of faith, political or religious,—from every hill, and valley, and prairie, of our beloved country, from Maine to California,—all gather in joyful throngs, and all bend in veneration before the glorious event, and its thrice-glorious doctrines.

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* Delivered to citizens of different parties, July 4, 1850.

This is not, that almost fourscore years ago some plain American farmers, planters, merchants, and lawyers, assembled in a small room near Independence-square, in Philadelphia. It is not, that some among them, with iron heart and eagle eye, dared do all which had immortalized the Brutuses and Cromwells of other ages, and not only speak their wrongs, but redress and avenge them. It is not, that then and there was done a deed to become a newspaper theme for a brief month only, or to be known not beyond the few cities and settlements then scattered over the eastern slope of the Alleghanies, containing a population but little larger than the State of New York now does alone; or to live in its influences only a generation, a half-century even, and then die out, as have perished from the page of history millions of other occurrences, at first far more dazzling to the inexperienced eye. But it was, that then occurred an event which has become incorporate with Liberty herself, — is a part of her substance no less than symbol, — and shall endure as long and spread as wide as the longest and widest portion of her magnificent empire. An event, which, if not destined to revolutionize all nations and people, has been already felt, in some degree, wherever civilization pervades mankind, and is likely, in coming ages, more and more, by "the war of opinion" it wages, to leaven the political views of the whole habitable globe. To dethrone a king by oppressed subjects has always been one of the most glowing themes in the annals of the human race. To change a dynasty of kings looms up still larger in the horizon of history and poetry. To alter the whole form of government in any country often has a bearing more important than either on its future destinies; and especially so, if it be a change from slavery to freedom, for the people at large. But to do *all* these, — *more* than all, — to show consummate skill in the cabinet at the same time with heroic bravery in the field, and to accomplish a revolution in principles of government and legislation by the pen and the tongue, while another was carried on and gloriously sustained by the sword — by the blood of freemen, poured out in torrents wherever the invader polluted the soil, or a ruthless savage was let loose, with tomahawk and torch, on an exposed frontier, — this was an event that all the millions who have been signally blessed by it may well celebrate, for its grandeur, — may long and loudly celebrate, — and will, by God's permission, hold in holy remembrance, while they preserve any of the virtues of the patriots who accomplished it.

Myriads elsewhere, who have enjoyed only some of its *reflected* light, would shame us for any neglect of so great a revolution, by their heart-felt rejoicings over only so much of its influences as have reached and animated them in the cause of political reform; because it has been the talisman and tocsin to freedom in all countries since. Whenever, for the last half-century, an oppressed people have broken their chains, — whether in France, or Hungary, or the classic soil of Italy, — the recollection of American independence has strengthened, if

not guided, the blow; and when tyrants since have trembled at popular indignation, and listened to remonstrances, and relented or reformed, the memory of American liberties and victories has struck terror to their hearts, and made them relent, oftener than arms or arguments, or a returning sense of justice towards the victims of their wrongs.

Not only have this Western Continent and some of its adjacent islands — both sides of the Andes — been thus made vocal with songs of gratitude for the example set this day, but Europe, from the Baltic to the Mediterranean, has felt the influence of some of its sacred principles, and been slowly but surely reforming, in order to save at all, a portion of its superannuated institutions. Even Asia has witnessed a grand vizier appealing through the press in favor of popular education and the welfare of the people at large; and ere another century closes, it would not be more extraordinary to see such principles prevailing in China,—in one kingdom alone of the populous east,—half of the whole human race. Misunderstood and misrepresented, I admit, have often been the character of our Revolution, and the designs and doctrines of the patriots who accomplished it; and many, it must be conceded, have been the outrages committed under a pretence of justification through its principles, as flagrant crimes have, in all ages, been committed under the sacred names of liberty and religion. But the establishment of American independence is no more answerable for such abuse, such perversions of her holy cause, than are religion and liberty for the profanations before, as well as since, committed under their consecrated banner; and proceeding, as we ought on occasions like this, to make some inquiry into the true civil consequences of that independence, no less than its military daring, in order to appreciate duly the greatness of the event, it will be found that their legitimate operation, their true essence, their full and perfect work, both here and elsewhere, is likely to prove most auspicious to the human race.

In forming a correct estimate of the magnitude of the event we now commemorate, the principles involved in it are vastly more important than all its battles or military glories. Not that I would be unjust to heroism in the field in a good cause, or be ungrateful to those who have exposed their lives, as well as fortunes, and sacred honor, for their country, from Leonidas and Scipio of antiquity, to the Washingtons of modern days. But it behooves us all to remember that, even in modern days, physical bravery is often wasted in a bad enterprise, and perverted, in the Tamerlanes, and Cæsars, and Napoleons, and Santa Annas, to *enslave* mankind, as frequently as to emancipate them; and that its triumphs are transient, personal, and at times die in their consequences as quickly as their authors crumble into dust, and as their withered hopes and guilty ambition moulder with them, in one common grave. Political principles, on the contrary, are eternal. They pervade society and government, as air and water pervade physical being. They control them, too, as the different elements control vegetation and animal life; and they move the whole, as the mechanic powers, and

other great laws of motion, constitute a mechanism that moves the universe; and they will continue to do this as long, as widely, and as deeply, as the others pervade matter; and in this way civilization and liberty are, if ever, to become universal, eternal.

Among the high justifying principles involved in any civil contest, one of the highest was at stake in the Revolution of 1776, and tended much to enhance its lofty interest, and the magnificence of its consequences. It was the principle of self-government. That lies at the foundation of all security for liberty. That made the struggle vital, as well as righteous. The first illustration of this principle was, that man should not be taxed, except by himself or agent. "No taxation without representation," reverberated through every American village and legislative assembly,—crossed the ocean, and rung through the halls of Parliament and the palace of St. James. The next illustration involved the idea of natural equality in political power, and the duty of all government to respect, shield and enforce those equal rights, and carry out all their elevating influences on the toiling millions, no less than other classes. It is these, and not the burning of gunpowder and the hecatombs of killed and wounded, which have imparted such a magnitude to that contest and its successful results, and have given to those over the civilized world almost the interest of a great epic poem.

Other people, in ages long gone by, had revolted against tyranny. The Greek, and the Iberian, and the Gaul, and the painted Pict, and the haughty Briton, had before flown to arms, when trodden down; and the Roman, the conqueror of the world, whose triumphal processions were filled with captive monarchs from Africa and Asia, no less than Europe,—the proudest of the proud, the bravest of the brave,—was still at times forced to retreat to the Sacred Mount, to wring justice from an uncompromising Senate. But scarcely ever before, in the long tide of time, did a whole people throw off a government on the broad basis of violated compacts, broken charters, taxation without representation, oppression and wrong under the forms of law, and a virtual dissolution of all the former political ties between the same races. Boldest, calmest, firmest, if not first,—then it was at the cannon's mouth, after respectful petitions had been exhausted, our fathers appealed to the judgment of the civilized world for their justification in claiming the inalienable rights of human nature, and in fighting for the powers of self-government.

It indicates another remarkable feature in the contest—the extreme caution, the prudent deliberation, the full vindication of their measures, before resorting to violence.

Long misrule over them had broken and forfeited all political obligations before existing from them to their haughty masters. They at last felt justified to fly to arms, and defend the rightfulness of rebellion against oppressions so flagrant. But much had they known and reflected, and acted on the hypothesis that every clear right need not, at all times, be asserted or pushed, at all hazards; as this would be

vain, if at all times it could not be successfully enforced, or the abuse of it be avenged. For this reason, they waited for increased strength,— they delayed till more wealthy, as well as populous,— they counted fully the cost of independence, before erecting its bold temples. They weighed every consequence with far-seeing, long-suffering patience, before an actual resort to blood. If other people, trained and educated differently, uncalculating, reckless, sometimes ferocious, had occasionally rushed headlong into the most sanguine excesses, and had done it often only to be overthrown and reduced to *worse bondage*, or only to substitute anarchy for despotism, such were examples to be shunned, rather than imitated, by the descendants of the Pilgrims. These last were formed in an iron mould of prudence, intelligent forecast, and religious self-control. The helots of Sparta, uneducated and uncalculating, under bitter oppression, might seek at once, regardless of consequences, to cut the throats of their powerful masters; but it would be often worse than vain, and only increase the weight of their chains. So the slaves of Rome might, at times, be goaded by cruelty into a servile war, unprepared, undisciplined, and abortive. And Galbas, Wat Tylers, and Jack Cades, might lead unsuccessful insurrections, in various ages, against some flagrant wrongs, which by man's nature and passions are almost unbearable without attempts at vengeance; and may strive, without much reflection as to success, to extirpate those who had pillaged them, or desecrated their hearths and altars, destroyed their household gods, and violated, if not carried into desolate captivity, their wives and daughters.

But the American Revolution began differently, and was conducted differently, and has ended differently. It began by argument, not force,— by indignant remonstrance against abuse, and by persevering petition for security to great rights. It was a contest for principles, rather than sovereign power. It was carried on, not for a month, or a year, or a generation, but a *whole age;* and by book-men, at first, rather than swords-men. It was fought early and long in the closet and printing-office; in the forum, and pulpit, and Provincial Assembly; in the courts of law; before the Privy Council ably by Franklin, however stigmatized by "the cold serpent tongues" of wily Wedderburnes in the halls of Parliament; before the estates of the realm, king, lords, and commons; — relying, with a lofty confidence, on God and their right, rather than flying at once to the sword and the tented field.

It was not till all peaceful means were exhausted, and the unalienable and natural rights of man became otherwise past redemption, and a long training and preparation for extreme measures had been forced on them, that the Revolution broke out into armed resistance.

Then and there the right to resume self-government by a people long suffering was claimed and maintained. This, it will be seen, was not resisting by violence laws they themselves had participated in making; nor was it hostilely renouncing allegiance till the protection

due for it had been withheld; nor lightly stirring up rebellion, for slight causes, and without long endurance of wrong, and patient efforts, in all peaceful ways, to obtain redress. But it was rather with sage deliberation, with reasoning most urgent, with missions most able, with remonstrances unanswerable, with entreaties most intense, with appeals to kindred blood and kindred interests,— to all good men, and angels, and Deity himself,— to turn the hearts of their oppressors, that they preceded any resort to force; and they persisted in that force no longer or further than was necessary to establish that great right of self-government, without which they had found not only property, but liberty and life, exposed to constant outrage. The burning detail of their grievances, in the Declaration of Independence, is sufficient to make our blood boil, even after the lapse of almost a century. Let us, then, disclaim, for the Hancocks, and Langdons, and Washingtons, of the great and glorious day which witnessed our independence, any of the reckless seditions that so often, for trifling reasons, have disfigured the earth before or since. Let us disclaim, for the whole galaxy of patriots and heroes who have mingled in that Revolution, any brutal fondness for blood, or any regicide war upon other forms of government, or any hostility to the just rights of property, the prevalence of order, and the reign of law. Their aim was higher and nobler. They sought *security* to themselves and posterity for all those sacred liberties, and those elevating powers, which distinguish man from the beast, and the freeman from the slave.

In this way alone could they successfully have accomplished the great mission assigned to them on earth. But another work was to be done. They not only had to declare, but establish and guarantee by every safeguard which human prudence could devise, their national independence, and all the glorious results of such an independence.

It was not enough to be free; for free was the Indian barbarian in the forests near them,— free was many a Tartar horde in the wilds of Asia,— free many a savage islander in the waste waters of the Pacific. But it was to be free, with pledges, securities, and checks against misrule,— with institutions suited to perpetuate freedom and order. *More, beyond, higher*, than all this,— it was to be free with systems of education and morals suited to understand and insure equal legislation, and equal rights of conscience, and equal political power, as these alone can rescue revolutions from anarchy, or a relapse into military despotism. What is that government worth to society at large whose seat and security are a mere *camp?* whose administration, like Bolivar's, is but a continued *campaign?* or, like Robespierre's and Marat's, but the anarchy of mobs or the terror of guillotines?

Then and therefore came their *second* great struggle. It was to secure *well* what they had won. Their first struggle had been with oppressors from abroad and traitors at home. The first had been to free their limbs and minds from fetters, that they might be able to move unshackled. The next was to shape their movements wisely.

The result of the first was emancipation. The second was, to use it as God, nature, reason, intelligence, and liberty, united, should prompt, and not as mere impulse or passion might impel them. The first required courage in the field, skill in foreign negotiations for succor, firmness against the wiles used to deceive and disarm them. The last, wisdom in the cabinet and in council, sagacity in deliberative assemblies of all kinds, intelligence in every village and in every farm-house or household, honor and morality in every manly breast that was now to exercise the liberty which had been recovered, and so exercise it as to preserve it, and to preserve so as to render it redolent with blessings to himself, his children, his country, and the coming ages of every region of the world.

This was the noblest work of all. The first was indispensable to begin it. But this, the second great undertaking, was to test the utility and duration of the first; and, instead of giving vent to the mere animal energies of war and civil broils, was to restrain and regulate them, and to build up an empire worthy the contest they had just encountered, and plan and perfect institutions and systems which should secure great principles, and use them in a manner to benefit and control their whole race,— showing more especially, as to themselves, that they had not sacrificed life and treasure in vain, or in mere angry and petulant hostilities with a tyrannical parent.

What, then, were the chief political safeguards to self-government which they proceeded to secure for the future?

The greatest of all, in form, were written constitutions. They were made to bind both rulers and ruled, and prescribe the duties, as well as powers, of both. Not that there had been no pledge, by those in authority before, through coronation oaths, or charters, wrested, as at Runnymede, from tyrant kings, or bills of rights voted by Hampdens, Cokes, and St. Johns, but never obeyed. All these, however, had been imperfect, almost chaotic. They were mere fragments of constitutional forms, rude elements, or rocks rough from the quarry, to be afterwards fashioned into useful works, and polished by skill and experience. None of them, too, were deliberate compacts by and with the people at large, and binding voluntary givers no less than others; but rather they were concessions of intimidated despots, and those extorted usually by rivals in power, and made to them rather than to the masses; and were not mutual recognitions of rights among equals, standing on one common platform as immortal and accountable free agents, and consulting and coöperating together in the great work of self government.

By the representative system,— making the voice of the people known and felt beyond the limits of a single city or town,— such compacts over a whole country had become feasible and useful, and able to be watched over and enforced with the ease of a school district or militia beat of the drum. All could thus speak, and to all. And

where all thus speak *wisely*, under due intelligence and training, they must and will be obeyed.

But something more was requisite than seals, or the parchment signatures of constitutions. The latter must have that within and around them which passeth mere show. They must fling strong securities about popular rights, in the laws and habits of the community. They must do this, as they did here, by free suffrage, by a free and full voice in the masses. They must make it effective by making it frequent, through short terms of office and rigid accountability in representatives. They must and did here improve the representative system itself, by exacting constitutional qualifications, and imposing constitutional checks on their agents; by organizing double bodies for decision, so as to make concurrence in wrong more difficult; and by requiring fresh and frequent elections directly from the people, so as to render the popular will more imperative, and pervading, like the life-blood of the system, the whole machinery of the body politic.

Throwing open thus all stations, high and responsible, to talent and virtue and learning, all classes have been brought gradually to love and cherish the laws as made by and for them, and all brought to sustain what protects and honors all; — the son of a blacksmith winning victories at the head of armies; the son of a farmer president over the destinies of twenty millions of people; the son of a carpenter commanding "the applause of listening senates," or holding the scales of justice in the highest judicial tribunal of the Union.

They next rendered their political system simple and well understood, so as to operate with ease, no less than skill, by separating, as was done here, the powers to be performed for the people, through their representatives, into natural and plain classes, such as executive, legislative, and judicial; thus being enabled to select for each agents best qualified for each, and thus enabling these agents, by so beautiful a division of public labor, to become more perfect in their respective spheres, and the system, as a system, more useful and acceptable, and more prized, as more full of rainbow hopes to the great popular heart of the community.

Anxious to render their constitutions rich in the securities which near six thousand years of experience in the world had treasured up and spread open to their free choice, they went further, and imposed checks the most rigid and solemn on various abuses that had for ages filled prisons with tears, and neighboring countries with exiles, and scaffolds with victims. They prohibited the suspension of the writ of *habeas corpus*, seeking in this to rescue personal liberty from long confinement, without trial, in dungeons, towers, and bastiles. They forbade attainders of innocent blood, and cruel and barbarous punishments, whether the savage fagot, or more civilized forms of torture in "Luke's iron crown or Damiens' bed of steel." They prevented an invasion of their domestic quiet by search-warrants not under oath, — each freeman's house, however humble, being his castle. They

denounced ignominious trials for crime without previous indictment, and any abridgment of the liberty of speech and the press,— those great palladiums of popular rights,— or stripping the people of the privilege of bearing arms, and thus exposing their rights to wanton aggression. And, finally, they tabooed most solemnly any restraints on liberty of conscience, which their Pilgrim fathers had braved the wrath of bigotry at home, and hazarded three thousand miles of ocean and exile in a savage wilderness, to enjoy with tranquillity.

Mingled up and interwoven with all this, calculated to secure what they had conquered with so much blood and treasure, were the habits, no less than the principles and opinions, on social as well as political matters, which had grown with them in their sojourn here for a century and a half, and which were to be improved and enlarged, rather than abandoned. They had built up, from the start, a system of free schools, to enlighten all, rich or poor. They had taught in them duties, as well as rights. They had endowed colleges to fit some for guides in seeking the ways of eternal life, and tracing out the inspired history and great truths of Christianity, so as to be able to worship God in more purity and more fidelity to all his wise commandments; others for aids in preserving health, by a more accurate knowledge of our physical system, and the means, botanical and mineral, scattered around us of healing many of the bodily ills which flesh is heir to; guides and aids, likewise, to understand the laws, that should equally govern high and low, and to plead the cause of the fatherless, the widow, and the oppressed, and administer justice as unsoiled as the ermine she wears.

They had organized the militia, the means of self-defence as well against despotism from abroad and usurpers at home, as against a barbarous foe, hanging night and day, like a dark cloud, on their frontier, and ready, in any unguarded moment, to fling the fire-brand into their habitations, and tomahawk their children. They had secured the invaluable trial by jury, as a safeguard in legal persecutions by arbitrary power, and had been trained through its various duties to a better acquaintance with many of the elements of self-government.

And by a system of religious preaching, as well as free toleration, added to their schools and colleges, they had permitted and encouraged all to enjoy the moral means of learning how to exercise the great privileges and liberties which the Revolution secured to them, with an eye to what was just towards each other and the rest of the world; with the conviction of their own accountability hereafter, as well as here, for all abuses of those liberties; and with some laudable ambition, if not pride, to satisfy a doubting world that man, so educated and trained and free, was capable of *good* self-government, and would not throw discredit on the hopes of philanthropists, who had indulged the fond expectation of further progress in social improvement, and of seeing realized their theories of additional ameliorations, both in gov-

ernment and the general condition of humanity. Thus they stood, and thus we still stand, when so many others have fallen.

Thus stood, and still stand, not only the Puritan of New England, but the staid and enterprising Hollander of New York, the industrious Quaker and German of Pennsylvania, the chivalrous Virginian and Carolinian, and now millions of their descendants in the mighty west. Thus may they forever stand, one and indivisible!

It is thus only, when seeking improvement and prostrating tyranny, that man acts up to the original dignity of his nature, and seems to fulfil the apparent design of Providence in his high destiny. He once communed with God himself in the garden of Eden. His companions since have often been angels. He is still lord of this lower creation, when acting worthy an immortal being, and clothed as he is with attributes so far above the brutes that perish, and so superior to the dead matter which he treads under foot, and destined as he is, when free and enlightened, to acts of heroism and patriotic vengeance on all the violators of his just rights. Then he is truly man,— truly deserving, by his lofty deeds, to live in history, sculpture, and poetry. It was when acting thus, Akenside exclaims:

> "Look, then, abroad, through Nature, to the range
> Of planets, suns, and adamantine spheres,
> Wheeling unshaken through the void immense;
> And speak, oh man! does this capacious scene
> With half that kindling majesty dilate
> Thy strong conception, as when Brutus rose
> Refulgent from the stroke of Cæsar's fate,
> Amid the crowd of patriots, and his arm
> Aloft extending, like eternal Jove
> When guilt brings down the thunder, called aloud
> On Tully's name, and shook his crimson steel,
> And bade the father of his country hail!
> For lo! the tyrant prostrate in the dust,
> And Rome again is free."

The failures of many other revolutions were not unnatural, when we reflect that they have been either mere wars on a single despot or his dynasty, or have originated in wanton hostility to particular ranks, or in a lust for plunder of the rich,—holding all property to be robbery, like Proudhomme; or, Fourier-like, that half the world should be an almshouse to be supplied by the other half; or indulging in a disorganized hatred of those salutary legal restraints which are indispensable, in every form of government, to the safety of either property or life. It is the neglect of these, and of the means to uphold them with moral and intelligent fidelity, which has made so many of them but mockeries of reform,—mere devastations of property and life,—useless deluges of passion and desolation over great countries, and ruinous alike to the advancement of civilization and the great political destinies of mankind.

It is a remarkable fact, that when Dr. Franklin returned from a

mission to induce the Canadians to unite in support of the holy principles of our Revolution, he found them so ignorant of all which was essential to understand and prize the great struggle, that he recommended to Congress to send an army of schoolmasters there to teach them, rather than troops to fight. The character of that population has much improved since. But, the world over, and in all times, what of good, as a general rule, can be expected from seditions and insurrections of mere slaves, with neither the education nor morals how to use power wisely, or sustain free constitutions? What of good from the raw and vagabond liberty of savages, or pirates, thirsting for "beauty and booty," or drunk with vengeance? What, too, from the frenzy of ignorant fanaticism, under no guide but fancied impulses from heaven, which too often are but promptings from hell? What from unenlightened bigotry or superstition, ready to burn opposition at the stake, and ferocious to consign mere differences of opinion to the tender mercies of an inquisition?

Such, we have seen, were not the principles of the heroes of the Revolution we commemorate, nor, thank God! the objects and measures they pursued in order to crown it with utility and immortality. Some of their policy has been since misunderstood or misrepresented; and especially in respect to the extension of their power. Neither then nor since did they or their posterity look to amalgamation or permanent intermixture and union with other nations composed of tyrants and illiterate slaves, in carrying out triumphantly a government like this, though for national objects temporary treaties are permissible with all public bodies. But it is admitted that "the area of freedom" they have ever been ready to extend, when more territory was needed at particular points for outlets to our commerce, or national security in war, or better harbors and supplies in peace. They have not been false to such great interests, and frightened from them by the groundless cry of ambition or rapacity; but for important national objects have "annexed" and "re-annexed" Louisiana, Texas and California,—hoping to fill them, in time, with a population congenial and useful. For reasons like these, all may well say, Go on, when such reasons occur,—multiply the stars in your national banner,—stretch forth liberally the arms of your Union to the north, as already to the west; but, so far as regards population added, let it be as much as practicable of kindred races and kindred principles. So as to emigration; our fathers did open their original capacious bosom to the emigrant patriot from all countries,—to the Kosciuskos, the Lafayettes, the Gallatins, and Emmetts. They have welcomed such to their two and a half millions of square miles of virgin soil, their magnificent rivers, lakes and mountains, and their common right of commerce, under the star-spangled banner, over all the great highways of nations in every ocean of the globe. They have invited all, who love virtuous liberty,—all, of whatever creed or faith, Protestant or Catholic, whose morals are sound, who respect the laws, and are ready to

defend both liberty and law in wholesome purity,—to embark their fortunes with ours, and seek here a peaceful asylum from persecution and chains.

The refusal to allow this by Great Britain, and to favor emigration here, was one of the grievances for which she was denounced in the Declaration of Independence you have just heard read. To all such, therefore, of sound principles, renouncing all foreign allegiance, we still say,—Come and coöperate; help to fell our forests, dig our canals, build our railroads, adorn our professions; help to drive the plough deeper, to swing the sledge harder, to watch the spindle and the shuttle on our thousand waterfalls closer, to fight valiantly our common battles against a common enemy, whether on land or ocean.

But come none by force; and none, unless now or likely to be qualified to sustain, and eager to perpetuate, the free principles and free institutions which adorn our vast republic. We want no drawbacks,—mere Mexican conquests; nothing not essentially American in opinion and progress; nothing to neutralize or impair our energies, or draw us from the improving track of our fathers, but everything which may strengthen or speed us in the great career we have begun, —everything that harmonizes with and hastens our great destinies, securing unity of principle, unity of taste, unity of hope, unity of action,—and then, of course, will there be unity of success.

It was unity of action, in peaceful efforts at improvements and progress for the human race, that we have ever sought, and must still seek, at home as well as abroad, rather than rush into civil strife, or overrun the earth with violence, like the descendants of Romulus and Remus, and cause, in the end, that to perish by the sword which has been built by the sword. And because forced into a war of liberty or death with oppression, and armed and disciplined from their cradles to repel the Indian scalping-knife from their frontiers,—having long slept with their rifles at their pillows, and captured Louisburg, and fought for victory with Wolfe at Quebec,—never, never did they love war as war,—the death-bed of many gallant victims, and the house of mourning to many kindred and fatherless, and the desolate waste of fortunes, and blackened ruins of not a few of the other bounties of Providence, and hopes of mankind. But they armed for it rather than live abject slaves, and as one of the stern necessities of government and human society. They preserved it in self-defence, preventing butcheries on the frontier, in repelling the conflagration of their cities, in upholding the sacred rights of representation, and in securing from rapine and pollution and degradation their hearths and altars. And though forbearance, under the mild influences of such principles, to rush rashly into hostilities, and to violate a just neutrality among belligerents, has, at times, since called down, on them and their posterity, taunts of cowardice, and false accusations of preferring gold to honor and sordid gain to principle, yet they have more than once, when further forbearance ceased to be a virtue, shown to a censorious

world that they can, when need be, defend their rights, and avenge injury and insult on the heads of their foes.

They have taught oppressing nations and wanton violators of their flag, plunderers of their commerce, invaders of their soil, and imprisoners and murderers of their citizens, that these outrages are not to be perpetrated with impunity, whether at piratical Algiers and Tripoli, under the rule of the crescent and the bowstring, or at the Falkland Islands, beneath the frozen zone of the south, or at Sumatra, in the equinoctial heats of India, or at the Feegee, on the opposite side of the globe.

Among the coral reefs of the Pacific, or in sight of the halls of Montezuma,—wherever, on land or ocean, in the western or eastern hemisphere or the south, by savage, semi-barbarian or civilized, by Pagan, Mahometan, Infidel, Turk, or Christian,—wherever an American citizen is wronged, or American property plundered, or American rights invaded, there the stars and the stripes should appear, and will protect and avenge. There, manfully, when all other reasons are exhausted, Americans will rush, like Warren at Bunker Hill, or Stark at Bennington, and hosts of others through the whole length and breadth of our Revolutionary campaigns;—in short, like Decaturs, McNiels, and Jacksons, in the war of 1812, or Worths, Scotts, and Taylors, since, they will prove themselves, on every fit occasion, ready to punish the enemies and redress the wrongs of their country. Such a spirit alone can save and perpetuate the glorious principles of this day.

It is not a thirst for conquest, but firm resolve to sustain national honor. We spare the vanquished; and if we scale the Alps, it is not to seize on new provinces, or ill-gotten gold, *auri sacra fames*, but we purchase and pay for *empires*, when needed, though we could have retained by the sword what we won by the sword; and thus, by the rights of war, have made our title as good to California, as it was, by treaty, to Louisiana. A different temper, shrinking from a vindication of national honor, would make us sheep to be devoured by the wolves around us; and allow Santa Annas to enforce their menaces to occupy our capital, rather than we to retaliate invasions, and hoist the stars and stripes over the walls of Mexico. A different temper, too,—not being magnanimous to the conquered, and forbearing to the fallen,—would tend to render our brave troops but marauders, or armed mobs, or fierce buccaneers. Our resistance even the matrons of the Revolution had the moral courage to inculcate; and deserve their full share in its glories, for inculcating it on their husbands and sons, and exhibiting so many virtues, and so much heroism, in the times which tried men's souls. Our pious mothers were not hostile to the common enemy wholly for the oppressive tax on their tea, but because they were educated by the Bible, and especially by Christianity, in the great doctrines of equal rights; and, like Spartan women, they taught their descendants—and deserve their gratitude for the patriotic lesson—that it was nobler to be brought home dead on their shields, than fly or

submit to be slaves. A revolution originating and conducted like ours, illustrates well the excellences of such a spirit, and embodies it.

A revolution thus justified, guided, established, has become a model revolution for mankind; a great landmark, a colossal beacon-tower to all future times, and all future navigators on the rough sea of Liberty. When truly imitated, it has scattered blessings in its train more widely than even Columbus discovered, or Raleigh, or Cabot, or Americus Vespucius explored. And it is by these,—by its genial destinies of human rights, its fidelity to morals and laws, its freedom for conscience and industry, and property and power, to all who desire and deserve them, its liberality to all nations and creeds,—that, as before observed, it has penetrated deeply the popular heart in Europe, and in many cases there, and in some even in despotic Asia and benighted Africa, has relaxed the chains which there were not yet strength enough, and education and training enough, to break.

The liberty our independence sought was likewise liberty united with law, and defended by law, and not licentiousness. The liberty our Revolutionary sires bled for was to sustain personal rights, to protect conscience and property,—not violate them; to shield labor and capital,—not to be unmindful of either; to uphold government, and laws, and constitutions, in their equal and just exercise,—not overturn them; and to change their governments, and laws, and social systems, so far, and only so far, as was necessary to secure their rights from being afterwards trodden down by tyranny, or from being invaded by ambitious demagogues, quack statesmen and seditious anarchy, at home, or crushed by envious rivalry from abroad.

It was such a revolution, and such only, that was worth having. Under that, down to the present moment, the same laws protect a laborer or a farmer that sustained an Astor, with his ten to twenty millions of dollars, and an income equal to that of an average of twenty thousand or thirty thousand tillers of the soil; and the difference in this wealth is rather the result of fortunate accidents and a systematic life of sagacious and intelligent industry, than of any invidious distinction in favor of the rich over the poor. Girard and Brown are like illustrations. And even the marble trough used by the former to feed his pigs from happened from no cause akin to extravagance, or apart from the calculating spirit of thrift in the long run, which clings to such men till they repose in the grave.

But though the principles of that revolution were so pure, and though we have been taught, from the cradle, to regard this as a great festival, because our liberties were then won, yet, in another sense, we all know that Liberty herself did not then first alight on earth. We fain would forbear to set up any unjust claims,—we need none; and hence, though youth and age then left the plough in the furrow, and flew to Lexington and Bennington,—though the blacksmith left his forge with fires unextinguished, and one of my kith and kin left the corpse of his father unburied,—though all classes rushed forward, and

with one loud hosanna swelled together the chant of Liberty, and fought together her fierce battles,—yet it was not so much that she was the first-born, as that she was once more freed from the manacle and dangers, and under circumstances favorable to her future security and future improvement;—not that she had never before bounded over the plains of Sparta and the rocks of Athens, or wandered on the banks of Tiber, or climbed the Swiss Alps,—but that she was about to be more than ever before secured from violence; that she was to be better sustained by equal constitutions and laws, protected by numerous checks and balances, and hedged around by a wider intelligence among the masses, a higher state of morals, and three thousand miles of ocean between her and her worst foes.

It was, likewise, that the liberty they were about to save from profanation—it is hoped forever—was, in character and destiny, in many other respects, very different from what both then and since deluged many of the fairest portions of the world in blood and misrule,—feeding her votaries with fruits fair to the sight, but more bitter in taste than the apples of Sodom.

It was, in short, the liberty of civilization, the liberty of Christianity, the liberty of wide-spread intelligence among the many; the liberty of an elevated condition of public morals, and of some training and discipline, and experience in the principles and work of self-government. Such a liberty, though among rocks and ice, is preferable to the most splendid bondage.

We have seen that the care and labor to secure that kind of liberty long and permanently, by the Revolution we celebrate, were as great as to win it.

Because they did not wish to see that it succeeded every change of the moon by a new constitution, as in some future revulsions. Not to have new presidents, or consuls, or kings, give place to others by violence, as often as theatrical tyrants appear and disappear on the stage; or the Deys of Algiers are disposed of by the bowstring; or the small, pigmy republics of Italy were once monthly revolutionized,—sometimes by a few malcontents, little better than banditti,—or Rome herself again and again put up at auction by Prætorian bands; or as often as the reigning despots in Spain, or Portugal, or Mexico, enter and exit before the bayonet or a mob. But, on the contrary, they sought, and millions this day testify that they succeeded in making it evince all the stability and probable durability of the oldest government on the globe; as for more than half a century we have exhibited not a single change by force,—however loud, at times, and menacing the tongue of faction,—scarce a single day, when the constitution and laws have not triumphed, and stood, not only unshaken by any of the angry tempests around them, but washed whiter by the party surges which have broken at their feet.

As such a revolution, we all are proud this day to recount its glories, and to swear at the altar to use our best efforts to preserve its

principles. As such, it accords well with the genius of our people,—their early instincts, and their sober discipline for ages. As such a revolution, we call God to witness our fidelity to its principles in peace, our devotion to them in war; our invocations to our households and neighbors; our example and walk in private and public life; our whole energies, intellectual, moral and physical, our heart and soul, all consecrated to perpetuate, and, if possible, influence, every blessing we have inherited from them. It is to be gathered from these considerations, that some increase of former means, and some addition of new ones, are to be put in requisition by us to secure fully these good purposes. They are wider—still wider spread and useful education among the masses, in whom is most of the political power of the country. They are purity of morals, to unite with intelligence, in giving to such a tremendous political power a just and honest direction. They are temperance in all things, but especially with her *cold-water* armies, and those patriarchal allies, old-fashioned industry and homespun frugality. They are religious, likewise, at all times to be "named with solemn awe;" it may be of one shade in faith and forms, or of another,—but still religion, to elevate and guide all; without any Holy Alliance, however, between church and State, to tempt both astray, and corrupt both. They are *equal laws*, also,—not leaving equal power an empty bubble, but making it operate to secure equal privileges in the honors and wealth and pursuits of society.

They are a pure administration of equal laws,—not blunting the spear of justice when you "plate sin with gold," nor shielding innocence only when *not* in rags, nor valuing character and person unless robed in purple and fine linen,—but holding the scales steadily for the toiling millions, as well as for wealth and power; and, at the same time, on the other hand, protecting property and guarding the rights of the great as well as the humble,—both classes standing, in this respect, on one pedestal, and both obedient to law, in order that they be protected by law.

All must, likewise, be prompt and bold to use every other instrument, and means of improvement, which the long experience of the world may, from time to time, develop. It is one of the peculiar characteristics of our people, that they gather suggestions and excellences from every age and every subject, and every region of the globe,—winnowing wheat from the chaff, and being as ready to adopt a benefit or art from the Arab as the Englishman, or from the African as the European; having opened a Pantheon in every household and State, for every good which our enterprising commerce can collect from every quarter of the globe.

Let the treasures of all time,—in learning, or science, or government, or in social comforts, or labor-saving machinery,—let all contribute to our common and national progress and security. In this way, the inventors of all ages may be encouraged with hopes of being

benefactors to some such future government as ours, and not faint or falter, though, like Galileo, plunged into dungeons from bigotry, or, like Oliver Evans, languishing in prisons, a victim to the once stern laws as to debt. In this way, martyrs and patriots likewise may take courage at the stake and the scaffold, and, like Cranmer or Russell, look to some future age and people for a rich reward for their sufferings. In this way, ungrateful requitals, by ungrateful contemporaries, should not dishearten the orator, or divine, or jurist, or statesman, or patriot warrior, or great inventor,— like Faust, of the art of printing, persecuted as leaguing with the devil,— or the great discoverer, the world-finder, Columbus, carried home in chains. They sow the seed for other tongues and people, it may be, and even for other hemispheres, where, in due time, if not here, all the scattered good of all ages may be garnered up, and employed to advance the comforts and virtues, as well as powers, of our race.

What but this, and things like this, already have extended our foreign commerce so as scarcely to be second to any other nation on the globe? — made our prospect of having a hundred millions of people before this century closes? — made our triumphs in machinery, and manufactures, and agriculture, almost as rapid as the fabled labors of the most powerful of the heathen demi-gods? Our power over rude nature — over time and distance — magnified often a thousand-fold by steam, and the railroad and the electric telegraph widening still higher and further the elevation of our civilization over that of the barbarians and semi-barbarians on some of our borders!

Another advance of our higher liberty, and higher duties resulting from it, is that our people are here, under American independence, an assemblage of the most devoted friends to free institutions, from every quarter of the globe. What is but a sprinkling or scattered ingredient elsewhere, or in other systems of society and government, constitutes here the mass.

Our high mission, then, would seem to be, to be foremost, as ablest, to improve as well as preserve and diffuse this over the world, by the influence of our great success and unequalled prosperity, rather than by Mahometan violence; and rather than being officious with others, or unjust to different forms of government and different systems of policy from our own, deeming all others, with Chinese stupidity, "outside barbarians." Not Marplots,— political Paul Prys,— constantly intermeddling in the domestic affairs and domestic institutions of the rest of mankind; but rather leaving them free to choose, like ourselves, and rather trusting to reason and example for their reform,— the mighty power of public opinion,— and gathering around ourselves the light of all ages, so as to profit by all their discoveries, arts and improvements, and so as to encourage and draw forth all our own energies and excellences. When vilified from abroad, let these principles and course of conduct answer for us. Permit these, also, to be our political missionaries to convert the rest of mankind; and thus verifying

here the prophecy concerning us by Bishop Berkley, near a century and a half ago, "Time's noblest offspring is the last." Push forward, then, like your fathers, the agricultural and mechanic arts, and manufactures, and commerce, which bless all they pervade! But, like your fathers, too, side by side, erect the village school and village church — not only to diffuse and defend popular power, but enlighten it, elevate it, purify, and thus improve and perpetuate it.

If, like them, you continue to promote all these,— improved and improving wherever you wander,— well may you not only be encouraged in having crowded back the barbarian to the mountains and lakes, and in having crossed after him the Alleghanies and the great monarch of rivers, but in climbing the Rocky Mountains beyond, and in dipping your eye-brows in the Pacific, and scattering arts and civilization, and purer morals, over the sunny islands still further on towards the setting sun.

By your vast commerce, the great instrument to diffuse modern civilization, the great anchor of hope,— in spreading it to all people,— not only can the benignant fruits of your spare crops and useful manufactures be disseminated wherever they will prove a blessing, but your example, and principles, and institutions, and religion, and *all* of goodness, and greatness, and usefulness, of every kind, that this glorious day secured, and will shadow forth wider and wider, till they encircle the globe.

I fear you have already been detained too long; but, in the present crisis of our beloved country, I ought, before bidding you farewell, to allude to one other consideration. There lurks a serpent in the paths of our political paradise. It is disunion. It is not that the bands are likely to be suddenly cut or torn asunder by *violence;* but what will they be worth, if neglected, decayed, and allowed to perish by omission of duties, and of the compromising temper by which the Union was founded and can alone be preserved? I stand not here, on this occasion, as the censor of any political party or section, but as a friend to the constitution and Union, against all and every aggression in spirit or deed. If the bonds of a common language, a common religion, a common country, a common government, and all the great common glories of the last century, cannot make us conciliatory and kind,— cannot make all sides forgive and forget something,— cannot persuade to some sacrifice even, if necessary, to hold us together,— force is as unprofitable to accomplish it as fratricide is to perpetuate peace in a common family; and, broken into petty States, agitated by contending parties, and ere long the prey of some military chieftain, we shall all tread the down-hill path already strewed by similar wrecks in the history of republics, and hence more disgraceful to us, for not being admonished by so many deadly warnings.

But enough of this dark side of the picture. The same Union which, on this sacred day, helped to give to our fathers courage and independence, and final victory,— the same Union, which has since

enlarged our population seven-fold, extended our limits to the Pacific, and made our fame and example known over the habitable globe,— that same Union we must and will resolve, one and all, so to administer, so to conduct, so to preserve, as to restore its harmony, and increase forever its benefits, as well as strength and glory!

SPEECH AT ELIOT, ME., 1844, BEFORE THE PRESIDENTIAL ELECTION.

Fellow-citizens:—I hail this immense assembly and beautiful day as bright omens to our cause. Since the heavens smile upon us, everything else necessary to success is to be true to ourselves and our principles. We have some very great duties to discharge amidst the festivities of the occasion, and the presence of the lovelier portion of creation, whose countenances gild with hope, as well as attraction, every undertaking. We are called on to perform one of the most vital obligations of freemen, in examining the character and principles of the several candidates for the two highest offices in the Union.

In doing this, well does it become us to be fearless, no less than just; because, avoiding all individual wrong, we are responsible for this inquiry to God alone.

The candidates are known to profess different sets of principles; on the one side, those which are democratic,— on the other, those which are federal. The first, plain, undisguised, unadulterated,— written in sunbeams of light over the whole country; the last, those high-toned doctrines of increased and increasing power in the central government, which fell with the elder Adams, and have since been revived and mingled up with that piebald compound embodied in the code of modern whiggery. I use plain language, because the crisis demands it, and it becomes freemen. At the same time, I shall neither abuse private character on the one hand, nor flatter and fawn on the other.

The public conduct and opinions, however, of all candidates for public favor are public property; and those brought forward by each of the great parties in the coming contest are presumed to profess the

leading principles of each, and to represent them, and properly to be held responsible for them.

Hence, the men on our ticket, whose names float on our country's flag above us, and whose praise is on every tongue in our thronged ranks,— Polk and Dallas,— stand ready, now and ever, to enforce the whole creed of democracy; while theirs — Clay and Frelinghuysen — are doubtless ready to sustain all the degenerate practices and professions of the present whig party. Stand, therefore, by your own colors, fellow-citizens; you then know *who is who*, and *what is what*. Make your opponents fight under their own disgraced pledges and mottoes, and thus defeat any shuffling to steal away our names or livery. You are republicans; and what, in a republic, is more fit than that the honest masses should be republicans? You are democrats; and, in a democracy, why should not the people at large be democrats? How else are the Declaration of Independence, and all your free constitutions, and bills of rights, and democratic institutions, to be upheld? Unfortunately, however, even in republics, ambition will warp some; interest, sordid interest, mislead others; and local or personal prejudices betray a few into error, and array them, for a season, under new names and parties. But it is grossly unnatural for the honest yeomanry of the country to rally round any standard except that republican one under which our fathers marched, and under which, during forty years, in peace and in war, in the conflict of '98, as well as 1812, the Union has been preserved, and prospered beyond that of any other land on which the sun has ever shed its cheering beams. Our opponents, conscious of their weak attitude in this respect, often resort to other issues than those of principle, in order to blind the people to the great and paramount questions really involved in the election.

Hence their presses and speakers dwell so long and loud on the opinions of some of Col. Polk's ancestors, rather than his own; and they would fain throw dust in your eyes, as if his grandfather's or his great-grandfather's character, rather than his, was a prominent topic by which the destinies of twenty millions of people were to be influenced the next four years. But this aristocratical notion of inherited reproach or inherited glory, groundless as the imputations really are, belongs rather to the meridian of a monarchy than a republic, and needs no refutation before a democratic audience. They might as well go back and arraign any of us for the kingly notions of any of our forefathers, back to the Norman conquest or Saxon heptarchy.

In the same cavilling temper on matters not properly in issue as cardinal points of public policy are the taunts so often repeated against both Col. Polk and Mr. Dallas, that before the Baltimore nomination they had not been known and discussed as candidates; when, in the same breath, they are obliged to admit that Mr. Frelinghuysen had been quite as little known and discussed; and we are all aware that his gallant associate had been rather too much known and

discussed for his popularity, in all the great races where he has been broken down and defeated, during the past generation. And when some old heresies are conjured up against our candidate for Vice-president, do the assailants forget how often they are obliged to ask an oblivion to the early peccadilloes of their favorites, and urge us to try them by their present opinions alone? Let me entreat you also not to be led off by these experienced huntsmen on other false scents,— such as whether Mr. Van Buren, whose public services we all appreciate, has or has not been properly deemed less available than some of his competitors, when if, for any personal dissatisfaction, he could be seduced from duty to the democratic cause, and confide in new and hollow adulations,—which none of us believe of him,—he would justly forfeit all the respect before won. Or such paltry controversies as whether Col. Benton is or is not still a Simon Pure in democracy, when his patriotic motto is "*Everything for the cause, and nothing for men;*" and when that cause, we all hope, is destined to survive and flourish amid the wreck of hundreds of generations of frail men. No, democrats of Maine, New Hampshire, and Massachusetts,— away with such irrelevant issues, such false lights! Let me invoke all who listen,—whether guided by the Star in the East, or reared amid the hills of the Granite State, or come, unconquerable in spirit, from the iron shores of the ancient Bay State,— one and all, lift your eyes and your hearts to nobler game, to questions befitting the high duties and responsible positions of those to whom is committed the self-government of a mighty nation.

Ask, are the views of our candidates and party, or those of our opponents, most in unison with what animated the patriots and heroes of our Revolution? Do ours or theirs accord best with both the letter and spirit of the great charter of our liberties? Under which is popular freedom likely to be safest, the laws made most equal, the rights and privileges of the masses sustained the firmest, domestic tranquillity best insured, and foreign aggression and foreign wiles,— whether aimed at our commerce, our defences, our institutions, or the inviolability of our territory,—be most vigilantly and strongly guarded against? In short, which will be likely to carry out most implicitly the wishes and will of the people themselves; the power in our government which must rule,—rule, I admit, through the constitution, the law, and the ballot-boxes, but still *rule*, or our whole political system is a miserable mockery.

Now, I aver, deliberately and fearlessly, that the great division between the two tickets exists in this: that one pays more, and the other less, respect to the will of the people in the administration of the various affairs of the General Government.

It is well known we profess to respect that will, rather than slight it. We follow the declaration of that will, as embodied in constitutions and bills of right, letting all doubts operate in favor of the reserved powers of the people and the States, while we allege that our

opponents, in all doubts, assume increased authority for the central government; and, instead of asking their masters — the people and States — for more express grants in questionable cases, take, by construction, at once, and without leave, all which they desire.

In proof of this, as their chief limitation is the "general welfare," how can it amount to any check, when no party in power can ever be so shameless as to attempt what it will not gloss over with the varnish of declaring it to be for the general welfare?

With such constitutional opinions and practices, the custom of our opponents to disobey express instructions on these topics by legislatures and other public bodies is in perfect harmony, and is another conclusive evidence of their grasping principles. If these instructions, however solemn, stand in the way of any new and broad construction to monopolize more power in public affairs, without new grants from the true fountain of power, or stand in the way of new and plausible projects to control the currency or regulate the industry of the country, or build up particular favorite classes at the expense of the rest, they are given to the winds,— they are trampled under foot.

These distinctions between the two parties are further embodied and illustrated in almost every dispute about principles which mingles in the present canvass.

Do any of you ask me for specifications?

They thicken on every side; and, in the outset, in making the nominations themselves, our opponents have attempted to bring, unjustifiably, a new power and influence into the struggle. They have made an appeal to religious prejudices.

It is now boldly asserted, in some quarters, that their candidate for Vice-president is "*the Bible candidate.*" In his person is an attempt made to revive the old unholy alliance of church and State, and obtain the aid of sectarian prejudices and theological zeal.

We, like our venerated fathers, honor evangelical piety, sound morals, and the church, whether with or without a bishop; but, like them, at the same time, we abhor the profanation of religious power to control secular government, and dictate to the human conscience. We ask the arm of political authority, not to grasp at the combination of new influences to operate on our elections, and those connected with, and tending inevitably to, all the tests, and persecutions, and inquisitions, and *autos da fé*, which have so often cursed Christendom with carnage, and which expelled our ancestors to a savage wilderness.

Sorry as I have been to see sentiments published formerly by one of the candidates sneering at the principles of liberty in opinion, and looking to uniformity in church and State as kindly as if coming from an Archbishop Laud, or from under the cowl of a monk, yet cool reflection must convince him, and all who think, and reason, and read, that, under our system of government, nothing, in the end, is more likely to derange and destroy its purity than the efforts now going on to augment the strength of our opponents' ticket by these appeals to a

new element in our elections, and to defile the cause of true piety by sinister attempts to make it a mercenary ally in our party strifes, and then inevitably a greedy applicant for spoils and rewards from any partisans it may have helped to elevate to ill-gotten power. Discard, then, every feeling of fanaticism or bigotry, and honestly render to Cæsar the things which are Cæsar's.

Of a like character, as to the increase and monopoly of power, is another question in the contest, concerning the free-suffrage cause in Rhode Island.

The aim of our opponents, in that whole struggle, has been to strip the people at large of some of their dearest privileges; and, at the same moment, to augment the powers of a few, so as to enable them to control some of the most important interests of the many. The whole aim of our friends has been peaceably to establish a republican constitution of government for the people at large, in place of a kingly charter of incorporation for the few owners in a land company. We wished for equality in rights,— they, inequality. We desired that all adults (who were bound by taxes to contribute to support government, and liable to defend it in the militia) should participate in its privileges and powers. They excluded the whole, however highly qualified, if they did not happen to own a share in a certain land corporation, granted a century and a half ago, by the most profligate king of the Stuart name. Our friends, innocently enough, among a republican people, supposed that a constitution allowing free suffrage, among other rights, to all properly qualified by age, mind, and educated habits of business, to self-government, and accustomed to pay and fight in support of political institutions, was more suitable to the advanced spirit of the age and a free people than an old, worm-eaten act of incorporation, intended only for the purposes of a few land-owners under a monarchy.

And, for such desirable changes, similar to what had taken place in every other State of our blessed Union, and so clearly proper as to be since, in most respects, obliged to be carried into effect by their oppressors themselves, Dorr is now suffering imprisonment in a penitentiary, — a martyr to a new and barbarous penal law, made in order to reach cases like his, and administered, as well as made, with a cruelty and revenge which have appropriately been characterized as Algerine.

Remember that all this has been done by your opponents under the boasted liberality of the nineteenth century, in a country proud of its humane principles, and among a New England people, claiming to be peculiarly devoted to the mild and forgiving doctrines of the Gospel, so full of peace on earth and good will to men.

But do you approve of such barbarity? Do you sanction the convict's badge for mere differences in opinion? Would you impose the felon's infamy and slavery for life,— slavery baser and more miserable than what wrings tears and blood, under the lash of the task-master, in the most savage despotisms of the old world,— would you inflict

this, for a mere difference of opinion on constitutional questions, in this age and land of liberty and light? Let it not be said, in extenuation, that, however peaceful at first, and no blood ever shed by Dorr, yet there was under him an array of arms in the end.

There was no array of arms — no force used by any of the free-suffrage party — not a finger raised — not a drum beat, or gun fired; only quiet, formal, and peaceful steps pursued, till after the constitution was actually adopted, and their opponents called out troops to disturb its operations, and, for a like object, invoked the march of federal troops. Everything done by Dorr, after that, was provoked by the violence of others, and in a conscientious belief that duty required those to repel force by force who had been placed in power by a majority of the people.

Looking to all the original grounds of controversy, our opponents seem also entirely indefensible in this unfortunate conflict.

The objects of the free-suffrage party were not only reasonable, as before explained, but, by the Declaration of Independence, by the express doctrines of almost every constitution in the Union, by the opinions of the best jurists and statesmen abroad as well as at home, that party had a right to accomplish those objects by peaceful conventions of a majority of the people, when no other mode of redress was provided for in their existing laws and charters. If they had not such a right, the doctrine of self-government is a delusion; and the reformation of certain abuses, except by rude force, becomes impracticable, and our whole system, by which we are now an independent nation, resting on such a right and such a reformation, is a false system. If we deny to others among us what alone gives life and independence to ourselves, we pursue a course suicidal, and calculated to make us the reproach, as well as laughing-stock, of the world.

When we go to facts, the case is equally strong for the friends of free suffrage. A decided majority of all the male adults, and some believe that a majority of even the freeholders, voted for the adoption of the new constitution; and the grievances which it was to remove were so far from being imaginary, that nearly three-fifths of those over the age of twenty-one were entirely disfranchised, and excluded, also, from prosecuting in the courts of law, or having any voice in that legislation by which were daily affected their characters,— the lives, too, the FORTUNES AND THE SACRED HONOR, of their wives and children, as well as themselves. They were thus stripped of the great discriminating badge between a freeman and a slave.

Under a change in commerce and manufactures in Rhode Island, which had made more than half of the adult population not proprietors in the land, but prosperously engaged in other useful employments, was it improper, or hasty, to ask for some form of government customary and proper elsewhere for the whole people, rather than submit longer to the monopolizing and tyrannical rule of a mere corporation, not made for them, and in which they could not, in the usual course of

business, become participators, without changing their course of livelihood? I cheerfully admit that these merchants, and manufacturers, and mechanics, if not owners of land, could not, in a corporation made to manage the land, exercise properly the power of voting; but I do insist that if that corporation is converted into a form of government to regulate the civil and political privileges of a whole people, they all ought to participate in that government; and if it has not now been so changed, it was high time it should be, and its exclusive corporate powers be made to give way to a new and rational constitution of government, for all the members of society within its limits. As members of that society, without being owners of land, they had interests deep and wide to be looked after and governed. They had their own livelihoods at stake, their professions, their personal property. They had families and dependants; and in such a society a majority of the whole did not claim to sell the land or own it, because a majority,— but they desired to exercise some control over their own interests, to be participators in the government, and proper agents to consult as to their own affairs in political life, and proper guardians over many of those rights and relations most dear to a freeman's heart.

Such, in brief, was the origin, as well as progress, of the whole controversy; and for attempting, in a peaceful and orderly manner, such reasonable changes, violence was first resorted to on the other side; and the friends of free suffrage, for standing by the constitution and seeking to discharge the duties prescribed by a majority, were overawed by the General Government, denounced as insurgents, and by such premature interference disheartened and disbanded, and their bodies since immured in dungeons and penitentiaries, by the intolerants and their friends, who now ask your sanction and votes. Yes, they ask your support, whose feudal oppressions would have disfranchised Hancock or Jefferson, or even the sainted father of his country, had they removed to Rhode Island, and not been able to purchase a share in a mere corporation of her land-owners. Not that these immortal worthies would have been wanting in morals or intelligence, in patriotism, or even personal property; but only that they did not happen to own one seventy-thousandth part of the rocky soil of her ancient land company. That alone is to constitute a Divine right to rule. That is paramount to every virtue. The whole of the mistakes on this subject have sprung from the perversion of corporate technicalities to matters of free government; and when the most talented, useful, and experienced, have requested these political privileges, without which they continue slaves, they receive a stone instead of bread. They are turned over to a base and soulless corporation; and, if once becoming members of it, should fire and floods destroy their freeholds, they are again forced back to political degradation and chains. The temper which power, thus aristocratically monopolized, is likely to engender, was developed often during the struggle for our Revolution-

ary liberties, by neglect and contempt towards the requisitions of the old Congress. Our fathers had to lament still more the continuance of it when the constitution of the General Government was formed, as Rhode Island neither joined in the convention which formed it nor assented to its provisions, till Washington himself recommended to Congress to pass acts treating her as a foreign power, shut out from the glorious sisterhood of the Union. Even to this day, on the public records in the nation's archives, none of the names of her Solons and Lycurguses, her Roger Williamses, or Hopkinses, or Elleries, appear in the proceedings of the convention; and the frame of those who formed and signed the great charter of our public liberties will hang forever with one blank, like that for the recreant Doge of Venice,— and that blank will represent, to the end of time, the malign influence of the Rhode Island land company. To crown all this, half a century more of such exclusive power hardened the hearts of its possessors, so as not only to refuse to let the people go free, but to pursue their advocates with unrelenting prosecutions, prisons, and disgrace.

Those of you, if any, who can join in hosannas to the authors of all this, go and support the candidates for Presidency and Vice-presidency who approve it. Go with them, and, if consistent, coöperate in introducing a like monarchical spirit into the other States, and into the government of our glorious Union. But those who disapprove it,— who prize the immortal man above land,— who consider the social affections and character and intelligence somewhat higher than the dross of earth, — who look more, in public affairs, to the image of God, to mind and soul, than to clay in the hands of political potters, and regard efforts for improvement and freedom and progress in these as deserving laurels, rather than penal laws and penitentiaries,— let those brand such usurpations and abuses of power indelibly, and shun their support as something worse than war, pestilence, and famine,— as a virtual re-colonization to British principles!

In further illustration of this same ambition of our opponents to increase power is their advocacy of a national bank. The constitution, it is not pretended, gives any express authority to regulate the currency or the exchanges, or to pass acts of incorporation of any kind whatever; but it is vindicated by them, under a vagrant construction, wandering first to this class and then to that, till retreating at last behind that apology for every encroachment, the temporary and fluctuating opinions of a temporary and fluctuating majority as to what might promote the general welfare. One of the leaders on our opponents' ticket agreed with us in these views, till, after travelling abroad towards the close of the late war, he came back with such loose and dangerous notions on this subject as those since avowed by him.

The other candidate is as thoroughly committed to the same corrupt and corrupting institution; for, though not its feed attorney, he has been its advocate in the Senate, and his speeches in its favor, circulated widely, at the expense of its stockholders, by the very

Mr. Biddle whom he eulogized as being *calm as a summer's morning*, though surrounded by the first mutterings of that storm which afterwards strewed the shores of both continents with his victims. Let, then, that odious bank,— the notorious corrupter of legislation, the disturber of the peace and commerce of the whole country, the author of ruin to millions by its unwarrantable expansions and contractions, the scourge of widows and orphans who had confided their all to its trust only to be betrayed and lost,— let all its putrid taints stick to them and their party, like the poisoned shirt of Nessus. The old apologies for it have, by subsequent experience, become flimsier than ever. The gentlemen who preceded me spoke so fully and ably on this subject, that little remains for others. Suffice it to say, that the absurdity of vindicating the bank as constitutional, under an implication that it is necessary and proper as a fiscal machine for the government, is demonstrated when the experience of the last ten years has proved it to be entirely unnecessary and useless, except for evil. And the folly of considering such an institution expedient, even were it constitutional, could never be made more glaring, after their inability even to reduce the exchanges so low as they now are, or to make the currency better than it now is; and after its disastrous losses of thirty millions of capital; its capacity, as well as inclination, to destroy State banks; its liability, in war, to have all its funds wielded by English interests and agents, if not actually in Threadneedle-street; its power, as a party machine, through immense loans to members of Congress, as well as other partisans, with the circulation of more than three hundred and fifty thousand copies of whig speeches; and last, but not least, its large contractions and expansions, virtually making every yard-stick in the country a third longer or shorter, and every pound weight a third heavier or lighter, so as to furnish its gambling friends with the means of public robbery and swindling to the extent of untold millions.

But these are only a tithe of the illustrations which could be adduced to prove the inveterate zeal of our opponents to enlarge the powers of the General Government, by new constructions, at the expense of the people and the States. Where is the monstrous extension of the bankrupt system to classes never contemplated by our fathers, and to past as well as future contracts, trenching thus on vested rights, and absorbing into the expensive and encroaching jurisdiction of the federal judiciary the whole dealings of the whole community, with a long train of irritating injunctions and judicial collisions? Where is the McLeod bill, stripping the State courts of all power to protect the lives and property of their citizens, when some incendiary may choose to plead the command of any foreign power? Murder may stalk abroad on our lake frontier, the felon torch may be applied to our steamers, our sacred soil invaded, and our citizens and property hurried in flames over the cataract of Niagara, and yet our natural avengers against these boastful marauders, when once in our power, are to be disarmed at

the nod of foreign menace and foreign interference. Where, also, are the orders issued by a whig Congress to their masters, the sovereign States and people of the Union, to make districts for the choice of representatives?

The domineering and encroaching spirit of the whole shows them to have sprung from one common parentage, and indicates the dangerous propensity of the party opposed to us for seizing new powers, and stretching old ones to new objects, on all practicable occasions, rather than condescend to resort to the proper sources of authority for new grants. Another reason for neglecting such a resort is, doubtless, a knowledge that the grants would often be withheld; because instructions unfavorable to such new powers again and again are accustomed to emanate from these sources, and are issued only to be despised and systematically disobeyed by the party that now seeks your support.

But I am detaining you too long, as other gentlemen, more youthful and spirited than myself, are waiting to speak. One other evidence, then, of the difference of the two parties in this respect, whose candidates ask your votes. It is involved in the exciting measure of the tariff. The very object, the alpha and omega, of our opponents, in a high discriminating tariff, is to exercise a new power. It is not merely to raise revenue, which is the power granted in the constitution, but it is to protect and favor particular interests, which is a power not granted in the constitution. It is a modern innovation since the late war, in order to stretch legislative authority to new and doubtful objects; so doubtful as, in 1832, after convulsing the Union, to have been abandoned by a solemn compromise; and yet, in the face of all this, is revived, under the present law, with all its oppressions and odium. We not only resist all such exercises of questionable powers, but any measure, even if constitutional in form, provided that, like this tariff, it is unequal and partial. Choose, then, between us, as to this. We go for the spirit, as well as the letter, of the constitution,—to impose taxes for revenue, and treat all classes alike. They go only, by a broad and dangerous construction, to effect other objects than revenue, and these for the benefit of a favored few. We wish all taxation, even by a tariff, to be low; they push it up, even on some of the necessaries of life, to an enormous height, and, indeed, beyond that on luxuries themselves. We wish imports to be taxed, as much as any other property, for the support of government, and have never imposed a direct tax on land in time of peace; while they, half pretending to the contrary, have alone, under the elder Adams, harassed you with direct taxes in peace, and, by their extravagant expenses in 1842 and 1843, would have plunged us into them again, if they had not resorted to what was nearly as bad,—ruinous loans and large additions to the public debt.

I would here leave the subject of the tariff, so much has been said in explanation of it, by myself and others, on former occasions, had it not escaped from some of their leaky vessels that by one item in the

present tariff they intended to work wonders, however disconcerted as to others. Indeed, it has been boasted, that, as the election of 1840 was carried by coon-skins, they meant to carry this by sheep-skins. You will, therefore, excuse me for detaining you a few moments longer, by stating a few plain and unvarnished facts, that may enable all honest yeomanry to prevent demagogues from pulling wool over their eyes.

In the first place, the woollen manufacturers, as a class, and their whig advocates, have always opposed raising higher the duty on wool. This has been for the obvious reason, that the higher that duty, the more the raw material would cost them, the less would be their profits in making woollen cloths for sale. As we shall soon see, the whole body of manufacturers never want a higher duty on anything they buy, as they never, in their own cases, practise on the practical absurdity which they preach to mislead you, — that high duties make low prices, — and which it will be quite as difficult, I trust, to make you believe, as that the more toll the miller takes from your corn, the more will be left for you to carry home. What, then, has been the real truth as to the imposition of what duties now exist on wool to protect its growers? It is, that the raising of those duties was moved by democrats in 1828 and 1841, and not by whigs; and that the very increases of which our opponents now boast, and ask favor for, were made, not by them, but by democratic votes. Here are the yeas and nays in the Senate of which I speak, taken at different periods from the official journals; and not a whig is among the former, unless one or two from a large wool-growing State and the free-trade region of the south.

Most of the new guards to prevent frauds in the imports of foreign wool were, in 1841, introduced on my own motion; and when, to secure the farming interests still further in this article, and give them some equality with the manufacturer, I moved to raise the duty on cheap wool to the average standard of other articles, which was twenty per cent., the motion was talked down and voted down by the whigs.

Again, in 1842, who said yea to the raising the duty on the same kind of wool, from the mere bagatelle of five per cent., to a higher and more equal rate? Democrats throughout, and only two whigs of the whole body. Here are the names, that all may decide for themselves, who wish to examine them.

I have had it cast in my teeth, as a reproach, in the Senate, within two years, by the whig friends of the manufacturer, that, in 1828, no less than in 1843, I desired to increase the duty on wool to the disadvantage of the manufacturers, when in truth it was for the equal protection of the farmers. And yet these sheep-skin demagogues would now try to pull wool over your eyes, and make you believe that I was your enemy, and they your exclusive friends, in imposing that very duty. But, after all which could by the democrats be got incorporated into the present oppressive tariff for your relief, does it deal

justly and fairly by you even as to wool, and much less as to numerous other articles? Let me point you to recorded facts, and not general tirades. On all wool worth above seven cents per pound, the duty is but three cents per pound, and thirty per cent. more on the value; and on all under that value, but five per cent. Now, if wool of the first class averages fifty cents' value per pound, the whole duty on that would be almost thirty-six per cent., on an average. Thus their boasted aid to the farmer on his wool, and that forced from them by democratic votes, is only five per cent. on one class, and thirty-six per cent. on another. But what think you they have the impudence to demand for themselves, as aid and protection on the articles — the cloths and carpets — made from this very wool? Not the same impost of five to thirty-six, but what ranges from twenty-eight to sixty per cent. This is only one sample among many of the miserable farces they seek to play, in this tariff, on the farming interest. If they give to others half a dollar, they extort, in return, for themselves, a dollar and a half; and thus they thwart all the benefits you might otherwise realize, and make you yearly poorer, unless you work harder and spend less, while they yearly grow richer on your earnings, and on your forced contributions to sustain their business. Just run through the parallel in a few other articles, and see how miserably your productions are encouraged or protected, in comparison with theirs — thus:

To you, upon wool, 5 to 36 per cent.; and to them, on woollens, 28 to 60 per cent. To you, on hides, but 5; to them, on leather, 35, or more, on an average. To you, on hemp, 30; to them, on cordage, 100 to 130. To you, on flax, 7 to 9; to them, on linen, &c., 25 to 50. To you, on silk, cocoons, 50 cents per pound; to them, on silk, manufactured, $2.50 per pound. To you, on tobacco, 20 per cent.; to them, on tobacco, manufactured, 100 per cent., or more. To you, on wood, 20 per cent.; to them, on wood, manufactured, 30 per cent.

This list could be extended, if necessary, to show the kind of protection yielded by the present tariff to farmers, compared with manufacturers, and proving that where a duty is imposed on the products which reward the farmers, another, three-fold to seven-fold, is forthwith exacted from them to aid the manufacturers, on the article made from your raw material.

Hence, if anything of agricultural origin has risen a few cents per pound since the tariff, like wool, the cloths made from it, and to be taken by the farmer in exchange, have risen still more; and the farmer is made much worse, instead of better, by the whole operation. But, in most things grown among us,— in the great staples of wheat, corn, flour, pork, beef, tobacco, butter, and cheese,— there has been a decided fall in price, under this boasted whig tariff, while in most that the laboring classes must buy or take in exchange there has been a decided rise in price. In this way the farmer's candle is burning out rapidly at both ends; while the manufacturer's is growing longer at both ends, by giving less for the flour, beef, and pork, he consumes, and getting

more for the cloth he sells. Again, generally, when the agricultural product obtains any protective duty, — 5 to 36 per cent., — the favored manufacturer of cotton gets 100 to 130; of cordage, 120 or more; of paper, 100; of iron, 80; and of salt and sugar, also great necessaries of life, 80 or more, according to the cost.

Look a moment to the great contrast of this system towards yourselves and the manufacturers in another aspect. The manufacturer is an advocate for low duties, or no duties whatever, on articles where he is to consume much of them. Then the principles of absolute and unqualified free trade are with him not merely a beautiful abstraction, but a blessed reality. His dye-woods are imported free, his indigo and madder and kelp, his saltpetre and barilla and brimstone, his models of machinery, and tartar,—all, and much more, are brought from abroad entirely free; and his foreign wool, if cheap, paying but a nominal tax. So of his linseed and flax, his hides and rags and bristles, with much more of raw material, scarcely reaching a revenue standard.

But your raw materials for your agriculture, and ship-building, and lumbering, — the iron, and salt, and cordage, and duck, with various other necessaries of life, — are taxed enormously. While he has free trade for his articles, and you not for yours, and thus acknowledges the excellence of the free-trade system for what he consumes, he uses insulting mockery to justify it. Yes, you are to be forced by him to pay the highest taxes on foreign manufactures, so as to protect American labor and domestic industry against the derided pauper labor of Europe, while he refuses to protect your American labor and industry by equally high duties on all foreign raw materials; on lumber, fish, cord-wood, potatoes, hides, cheap wool, and many other products of what they call the pauper labor of the rest of the world, but which they are very willing to profit by themselves, when cheaper than ours. It is no answer to this that a higher duty is imposed on several other agricultural products, when imported, than on wool; because these others seldom or never are imported. They cannot be affected by imports here under any duty, and it is throwing dust in your eyes to talk about the protection to them, as much as it would be to put a high duty on hay, or ice, or rocks, and talk of that as giving protection to northern farmers. We all know that few, if any, of these articles, can ever be profitably imported from abroad. As conclusive evidence that the system has been prejudicial to agriculture, almost every product of it has become lower since than before the tariff; and that it has been beneficial, as intended, to manufacturers, all their leading fabrics have risen. The new home market it was to furnish you — so praised to the skies — turns out, therefore, to be one where you must sell for less and buy for more.

Here is a schedule of the prices in New York, before and since, on several articles of agricultural growth:

	1836.	1839.	1844.
Beef,	$9.87 to 10.75	$15.00 to 0.00	$5.25
Pork,	17.69 to 18.00	23.00 to 0.00	8.75
Flour,	7.00 to 8.00	6.75 to 8.69	4.37
Wool,	.35 to .40	.55 to .60	.40
Corn,	.43 to .85	.76 to .80	.56
Cheese,	.06 to .09	.08 to .10	.05

All know the advance in manufactures. Since the passage of the bill, some kinds of cotton cloths have risen near fifty per cent., and most of them twenty.

Besides this, with these prices near a third lower on farming productions, you have to pay the tax-gatherer, the *collector*, a duty nominally as high in most cases, and in some higher, than in 1828. This makes the tax, in truth, operate *one-third higher to the farming interest*. On the other hand, it is made to yield eight to ten per cent. more protection to manufacturers where nominally the same, as it is paid in *cash* now, without the credit formerly allowed.

The profits realized by high duties on most manufactures go also to capitalists, rather than the operatives. They swell the dividends on capital, but do not enhance the workman's wages. So they aid the great branches of business by corporations, and not the business of common mechanics, transacted on a smaller scale. Such mechanics are victims of this system, rather than profiting by it. I appeal to them, and all the household manufacturers, against its oppressions, by taxing so highly many of the great necessaries of life which they consume. All mechanics, under it, are compelled to pay more for their iron, their leather and cordage, their sugar and salt, as well as the tools of their trade; and, if not makers of cloth, much more for all worn than they would for high duties. Nor is there any escape from this, unless they and their families rebarbarize, and, like the Esquimaux Indians, dress in nothing but skins.

Beside that, the shoemaker, and hatter, and blacksmith, and tanner, have grown up under free competition, and always will grow up in that way, and prosper in communities like ours, whether tariffs rise or fall. They were as successful under Washington and Jefferson's administration, with mere revenue duties, seldom equalling twenty per cent., as they ever have been since; and their occupations are of a character almost to bid defiance to political legislation of any kind. We import, and ever shall, but little of the work of either of them, even when the tariff is low; and it is as delusive to attempt to make such mechanics believe they would be injured without a high tariff, as it would be to convince the shipper of ice from the Kennebec, or the hewer of granite on the Penobscot and the Merrimac, that they want a high tariff to protect the growth of what they deal in.

But, not to consume more of your time on such general considerations, look a moment at the manner in which this high tariff is made to bear on the chief productions of Maine as a State, even in connec-

tion with the boasted article of wool. Your population equals about one-thirty-fourth that of the whole Union. The articles which you produce in a larger ratio than that, or above your average amount, are, of course, those in which your interest must be considered most peculiar and deep. They are ships built equalling one-third of the whole in the Union; lumber, near one-sixth; ships employed in navigation, in tonnage, one-seventh; potatoes, about one-tenth; fisheries, men engaged, one-tenth; wood (cord), one-twenty-fifth; and sheep, but one-thirtieth, though made in this canvass to take so prominent a stand. Our opponents cry *wool*, *wool*, *wool*, as loudly as Patrick Henry's tory antagonist did *beef*, *beef*, when it is only a drop in the ocean compared to your other interests, and when those interests are so shamefully neglected. The average duties of the whole tariff exceed thirty-seven per cent., and the highest duties range from fifty to one hundred and thirty per cent.; making the direct average duty, when imposed for protection, and not revenue alone, quite seventy per cent. In calculating a moment how you fare under this system, and what cause your great productions have to bless it and its friends for encouragement, look first to your ships built yearly. They are taxed highly, instead of favored, by this new tariff,— are burdened to the amount of five dollars per ton above a revenue duty, or two hundred thousand dollars a year, in prosperous times, in your State alone. Next your ships owned are to be replaced and repaired under a like discriminating tax against you for your tonnage; which tax, on what is now used by you, exceeds a million and a half of dollars — besides suffering, on all the clothes worn, and tools used, and salt and sugar consumed, by those employed in and on your vessels, an increase of taxation from two to three hundred per cent. over twenty, the former revenue standard. This is the new kindness by the new tariff to your first and greatest interest, the navigation of the east,— that interest which sustained the brave men who bled in every sea during the late war with haughty England in defence of *free trade and sailors' rights;* and who, since and evermore, can know no patriotic cry, but *freedom of the seas*, as opposed to the proud claim of *dominion* of the seas set up by those who constantly deafen our ears with *British* magnanimity and British power.

Which of your interests is next in magnitude, compared with other States? *Lumber.* That product is near two millions yearly, in Maine alone,— double all the income of all the sheep in your State.

I go for facts and not speculations, and take my data as to your products from the census itself. And how is this lumber protected, compared with cotton? Only twenty per cent., instead of eighty to one hundred and twenty. How, compared with the average of all protected articles? Only twenty per cent., instead of seventy,— or not one-thirtieth so much. Indeed, it is protected a little over half as much as the average duty of the whole of this eulogized tariff.

How stands your next article in importance,— potatoes,— equalling

one-tenth of all grown in the Union, while your wool is only one-thirtieth? This is higher, though not much of it imported; the whole brought from abroad being a very small-potato concern. But even this duty is, on an average of years, only thirty to fifty per cent.; while, on the other protected articles, the average is quite seventy per cent.

Next, as to your fisheries. The old drawback allowed to them from the foundation of the government was predicated on a scale of duties on iron, salt, duck, and cordage, far less than it is now; and while, under the new tariff, each fishing vessel is made to cost five dollars per ton more than it would under mere revenue duties, the drawback is not increased a single dollar. Thus the adventurous fishermen of the United States,— of whom you have one-tenth in the whole Union,— who brave storms, fogs and icebergs, for a livelihood, man our commercial marine, and sustain the flag of our navy under every peril and in every sea,— they are selected for a new tax on all their humble vessels by this wretched whig tariff, in order to help the manufacturers of iron, and duck, and cordage, at their suffering and cost. Nor are their fish themselves protected by a duty beyond what usually exceeds twenty to twenty-five per cent. in their value, instead of seventy, the protecting average; and their fresh fish, the beautiful salmon of your beautiful bays and rivers, are left without the slightest shield against the competition of your near British neighbors, who, clothing them in ice, penetrate with them every sea-port of the Union. Neglected as this hardy class of individuals is, compared with the lords of the spindle, yet the census shows that those engaged in the fisheries, with their families, are three or four to one of all employed in Maine in cotton factories.

So the farmer's cord-wood, — which in your State constitutes one-twenty-fifth of the whole Union, a larger proportion than wool itself, — it is protected by only the small duty of twenty per cent., instead of the seventy, as an average allowed to most manufactured goods.

For this glaring neglect, which brings swarms of New Brunswick and Nova Scotia coasters with wood into every northern sea-port, to your exclusion, — for this want of equal and proportionate favor to your other great articles, by the whig tariff,— you are invoked to sustain the whig candidates, as well as such oppressive whig measures. But that invocation will be in vain, if facts and common sense have not abandoned us, and been driven to the tombs, by bold assertion, noisy fallacies, coarse songs, dumb shows, and the orgies of hard cider.

And if *wool* is again appealed to, as having a higher duty than some of the others, see, as already stated, who voted for and who against it, — who tried to increase it, and who opposed. See, too, that the rate is only five per cent. on some and but thirty-six on other kinds of wool, when the average in the tariff on protected articles is seventy per cent. See, too, that you raise not so much of it as you consume within your own State, by many thousands of pounds. By reason of a colder

climate, you use in all ways more wool and woollens, on an average, than the same number of persons further south; and yet the amount of wool you raise very little exceeds the average for the whole Union. As the country then imported, the very first year, under this new tariff, near five millions of pounds of raw wool, and several millions of dollars' worth of woollen cloths, of which your people required more than a full proportion to their population, look at the facts, and tell me if the high tariff on wool and woollens be not a grievous tax on your State, as a State, rather than a blessing? If the individual who happens to grow more of the raw material than he consumes in all ways in his family gets a trifle more per pound by means of the duty, — as I admit he may, — how does the tariff stand, even with him, as a whole, when, for the salt, iron, and sugar, he gets in exchange or buys with the proceeds, he is compelled to pay at least double the amount in advance, by duties, which he procures on his wool?

The whole pretence, then, of benefit to you, by the system, as a system, is delusive. And think, a single moment, in conclusion on this, as to the whole country,—that if the eight millions' worth of wool raised in the Union was benefited a little by the duty, what a miserable kind of aid it must be, when five hundred millions in value of other agricultural products are taxed at a double rate of duty on all the clothing, iron, salt, sugar and numerous other articles, consumed by those who raise them, and reckon, if the farming interest get a protective duty on all their wool equal in the aggregate, yearly, to a third of a million of dollars, they are obliged to pay a protective duty on other articles, something like twelve or fourteen millions,— or near forty times the amount they obtain on wool.

Again, the monopolizing spirit of our opponents would not even discriminate, so as to let ordinary articles of the same name, but used by the working classes, pay less than the finer and richer ones used by the wealthy. And hence the coarse shoe, the coarse flannel, the coarse carpet, and coarse cloth of almost every kind, are taxed as high, by specific duties, as the finest, costing fifty or one hundred per cent. more. Even the farmer's wife and daughter, or the mechanic's, or the fisherman's, are compelled, if aspiring by extra labor and saving to buy a durable cheap silk for wear on Sunday or holidays, to pay the same amount of duty on it as is paid on more expensive silks by the most extravagant belle in Broadway, or Chestnut-street, or the families of the wealthiest nabobs in Boston or Baltimore. Nor is this accidental. On the passage of the bill, its injustice was exposed, and motions made to amend it by democrats, but voted down by whigs. The great question naturally occurs, when so much is said in vindication of a tariff for protection, why it is, in your agricultural and commercial State, that four hundred and fifty thousand farmers, merchants, and seamen, including their families, should be taxed highly on all the manufactures they *wear*, or *eat*, or *use*, and be unprotected in all their great staples and employments by anything like one-half

the average protecting standard for others? Why neglect the half-million to build up and maintain in luxury only 21,879 individuals, who, by the late census, are engaged in your manufacturing establishments? If any are to exult in such a departure from equal principles, let it be those, certainly, who win, who profit, by the tariff. But let not those who are fleeced and trodden down by any political oppression have the unearthly meekness and humility to kiss the hand that smites them, and reward it by renewed votes and confidence.

A part of the view of this whole restrictive system is, that, though some branches of business may be temporarily aided or built up by it, the result is accomplished on unequal and anti-republican principles. It is sustained at the expense of others. It is, then, an almshouse or pauper system. In the end, too, the whole community are seldom gainers by it; because, the business being forced, unnatural, hazardous, and fluctuating, the losses by the many counterbalance any profits by a few. Thus, since 1820, in New England, though the manufacturing population has increased from 81,922 to 187,215, those engaged in commerce have been forced to fall off near one-third; and this though commerce and the fisheries are as natural to our people as air and water, and their tastes on such an extensive sea-coast become almost amphibious.

This was not the promise made in the infancy of the system. Then, such high protection needed not to be beyond a few years — beyond the cradle and leading-strings. But, after a quarter of a century, the cry is still louder, and for protection still higher,— like the daughters of the horse-leech — *give, give, give!* And, what proves the fallacy of the whole system, the statistical returns of our commerce exhibit the astounding result, that where the duties have been the very highest, the domestic supplies cannot be forced up thus unnaturally to meet such a proportion of our demands as they did a generation ago. Our population, rapidly as it increases, doubles only in about thirty years; yet, in all the progress of manufactures during the last twenty, the great hot-bed ones have not increased so as to furnish the old wants, nor scarcely half the new ones. Thus the sugars needed from abroad in 1821 were worth $3,553,582; but in 1841, instead of needing less from abroad on account of the greatly protected growth of it here, we imported more than double the value, being $8,798,037, and under fuller prices probably quite treble the quantity. So of iron: in 1821, we imported $1,868,529 in value; and in 1841, instead of home production supplying under this hot-house system our old as well as new wants, we imported $4,225,960 in value, and perhaps quadruple the number of pounds. And even cottons, imported in 1821 to the extent of $7,589,791 only, but in 1842 $11,657,036 worth, under prices reduced perhaps fifty per cent.

Make any fair allowances for the new uses of these articles, and if, after twenty years, when so highly protected, they are not yet established so as to supply as large a portion of our wants as formerly,— if

they need as much or more nursing and indulgence in caudle and arrow-root as at first,—if the *home market*, so much eulogized, which they furnish to agriculture, is one of lower prices for most of its products, and leaving a still larger and larger surplus to find buyers abroad, or rot on our hands,— as is the recorded and official truth,— pray tell me, what has become of all the foundation-stones on which the system was grounded? It may be asked, how does this happen? Use your eyes to see, not jaundiced, — your ears to hear facts and reasons, not sophistry and selfish glosses, —use a little plain, practical common sense,—and the causes cannot be mistaken. Because our natural pursuits for the present, as a nation, are agriculture and commerce, and household manufacture; and what is forced must continue to be forced, unless the circumstances of the country change so as to render it natural. But the ocean, lakes, and rivers, are not dried up, and will not dry up, so as to make commerce impracticable; the fisheries — the cod, whales, mackerel — still multiply; the new and fertile and cheap soils are not all cultivated.

While, then, we can get, for wheat and pork and beef, the same price as other nations get in the markets of the world, and raise them on lands costing not one-tenth as much as theirs, is not agriculture our most natural and profitable business, and commerce its most useful handmaid, for exchanging the surplus? And why should we seek, by unequal, oppressive legislation, to force other kinds of business, to the injury of those? I have neither interest nor other motives to mislead you as to these great branches of industry, being somewhat connected with manufactures, as well as agriculture. Nor are you in a position to wish or seek injustice to any honest employment; as this immense audience, when in their quiet homes, live in a position to weigh this subject very dispassionately, being surrounded by persons engaged in agriculture and commerce, as well as manufactures, or are themselves devoted in part to all of them.

There, a few miles only southward of us, swells the Atlantic Ocean, over which you and your sons help to transport the products and merchandise of every zone, and from whose depths they assist to fish up food, comfort, and wealth. There, more northward, strike the eye the blue ridges of those mountains on whose hill-sides your cattle graze, and your ploughs run for bread to the very summit. And on the waterfalls of the river near you, both east and west,—the Saco and Piscataqua,—the hum of the spindle almost reaches our ears.

All which you or I, then, can reasonably ask, is just protection to all these interests; not partial favor to one branch of American labor, or industry, or capital, but impartial to all. And the only true American system is to demand impartiality and equality, and insist on the justice of them, though the heavens fall.

But this system keeps money in the country, cry out some of its advocates, as a last argument. So would robbery of one to enrich another. It keeps money, I grant, in the pockets of the manufacturers of the

country, but not of the farmers. Yes, it keeps the money here, at first, of those obliged to buy the manufactured article; but sends it abroad afterwards, by the manufacturer himself, for the raw agricultural material of which it is made. Under it, to be sure, the farmer must keep his money in the country, and not send it abroad for clothing, salt, and iron; but the manufacturer is at liberty to send his even to Botany Bay for wool, and Buenos Ayres or California for hides, or the Mahometan Turk for dyes, or the Pope for rags or sulphur. In truth, this system does not keep so much money in the country, as a whole, as would otherwise remain here, on the sound principles of free trade. For, in that case, all would buy where what they need is made cheapest, and sell where what they spare will bring most; and in this way we should have and keep much more money in the country at the end of each year. Our tariff being lower, foreign ones become so; and, getting ten millions more for our products, and buying our manufactures ten millions lower, we should, as a nation, manifestly be twenty millions richer at the end of the year, and all our population would be as much employed in what is American and patriotic as before. Should we need all for revenue we now get, nearly the same revenue would be collected, in a series of years, on a duty a third lower, because so much more would be imported, and so little smuggled. It does not answer, on this subject, to be advocates of low duties, or free-trade principles, on everything but iron, like one State; or all but sugar, like another; or all, even pauper labor, but cottons, like another; or all but wool, like another; or, as the Scotchman desired, on everything except his red herring. This is partial, and full of log-rolling coalition. Rather must we go for equal protection to all things not foreign, by imposing equal and moderate duties on all; and which would thus decidedly assist the treasury, and yield incidental favor to the industry and labor of all classes equally against foreign competition. But this partial tariff,— why should you admire and advance this and its friends, when it never protects your favorite articles,— your ships, your lumber, your wood, not even your red herring?

But it yields a large revenue, say its friends, and therefore must be upheld. What! Did they not avowedly make the present tariff to exclude foreign imports — the pauper labor of Europe? And yet they have the assurance to recommend it and urge the election of its friends, because the imports of foreign labor under it are so large, and the consequent revenue so high. If these results are commendable, we all know that they spring from other causes — the opening of new markets and the previous dearth of goods. In the same inconsistent course, they ask your support for it, because the seasons and the crops are so propitious to the country; when we all know that these come from the smiles of Providence and your own industry, rather than the tariff; — and the good home market in higher prices for what is sold, which were promised by so many under the tariff, has never come, except to the manufacturer for his own goods; and the lower prices

for what is bought, alike promised, have never come, except to the same manufacturer for the wheat, corn, and beef, he eats and purchases from the farmer.

The system is therefore to be dreaded, on account of its partial discriminations, appealing to the sordid principles of our nature — the five loaves and two small fishes; and pursuing politics, like camp followers, for plunder, rather than equal justice to the whole community. It extends the same proscriptive feeling abroad as at home; trying, when we all came from abroad,— when our vessels thrive by going abroad, and our products sell chiefly by help of markets abroad, — and when they import, if cheaper, labor from abroad, workmen and raw materials both from abroad,— though trying, on other occasions, to excite hostility the most bitter to persons, as well as things, not produced among us. This narrow, bigoted feeling, under such auspices, we see pushed to the lamentable extent of drenching the streets in blood of our chief cities; and requiring, even in the city of brotherly love, the protection of the rifle and cannon to property, life, and even the holy altars and churches of religion. Too much of this feeling at the north has, I fear, been carried into the agitating question concerning the annexation of Texas. A class of people among us have a perfect hydrophobia of every person and region not belonging to their own clique. With them, nothing good can come except from their own leaders. With them, the shell is never to be enlarged, no reforms tolerated, no boundaries extended, nor securities strengthened.

I respect the opinions of those, as to Texas, who dislike the terms, or time, or circumstances connected with the late treaty; but can cherish no respect for a party who would tie up the limits of our glorious Union to the Alleghanies or Mississippi,— who still hold the purchase of Louisiana, as well as of Texas, to be unconstitutional, and would forever renounce those destinies which invited us to the Pacific, over both Oregon and Texas.

On the part of the republican party, there is nothing of principle new in this measure as to Texas. We travelled over the whole of it in the purchase of Louisiana; and, under Jefferson, the great apostle of liberty among us, then fought the battle with ancient federalism, then, as now, threatening disunion, if she was admitted into the Union. Texas, and all its difficulties of slavery, and other obstacles, were then overcome, and her soil purchased. Her inhabitants have never assented to any cession from us, and are entitled to all the privileges of our Union by a solemn treaty on our part with France. Let us, then, fulfil our duties to them, though late,— to those who are not only ours by original purchase and voluntary cession, but ours in race, in education — ours in religion and love of liberty, affection, choice, and valor in defence of their inalienable rights and independence. But the ticket opposed to us looks on the whole of this with alien eyes,— would refuse, even by negotiation, to strengthen with such a purchase our

maritime defences, to guard our western frontier more effectually against the Indian scalping-knife; to prevent our enemies from procuring cotton lands to make them independent of us, and girting us around, from the Rocky Mountains to Halifax, Bermuda and Cuba, excluding Texas and Oregon whenever a cloud of war darkens the horizon; to open to our views new sugar-fields and markets, our vessels new rivers and harbors, because, perchance, it might change the balance of power in favor of the agricultural States on the south and west, or thwart the machinations for more extended empire and power of that ancient oppressor, whose wrath they so constantly dread, and whose arrogance they have so often truckled to. Let not the hazard of war with Mexico be interposed as an assurance. To say that a peaceful annexation would rightfully expose us to a war, or that, by pursuing our national duties and interests, through amicable negotiation with a friendly independent power, like Texas, we become liable to the just censure of the world, is to say that the talk of our fathers, about the right of self-government, was mere blarney. It is to hold, under a government and under a constitution which rest on the great principle of justifiable resistance to oppression, that such resistance is unholy till the oppressor himself approves it. It is to commit national suicide,—to belie our own example, to cast a foul censure on our fathers, and to repudiate the whole American system of politics, Mexican as well as Texian and of the United States, under the obsolete dogmas of the Old World and its Holy Alliances of despots. The resolve, therefore, of the Baltimore Convention in favor of Texas and Oregon, and the pledges of our candidates to re-annex the first as soon as practicable, are truly American; nor let the childish attempt prevail to frighten us from a maintenance of our just national rights and natural independence, by the cry that we thus violate any treaty obligation with Mexico. Did we ever engage, by treaty with Mexico, never to buy Texas, or never to unite in government with her after becoming independent, or never, in that event, to protect her against barbarous and unjust oppressions? As well might the Hartford Convention have opposed the war with England, in 1812, as a violation of our solemn treaty of peace with her in 1783. No treaties bind nations to endure wrongs, or to submit to what is in contravention with national law.

Nor will the opinions and policy of our candidates as to Texas tend to an increase of slavery. On the contrary, it adds not one to those before within the limits of the two countries. It would more effectually, by our increased navy, prevent importation of slaves there from abroad. It would transfer them further north to more congenial and to healthy climates, and hasten the wise and gradual abolition of slavery, by some generations, in those States nearest to the Potomac, who will thus surest and easiest get rid in safety of their present burdens, and, like ourselves fifty years ago, become emancipated from so great an evil.

If the English ministry, and the World's Convention in London, in

their abolition fanaticism, looked a little more at home to mitigate debasing and miserable servitude, it might be quite as well for the cause of humanity; for so grossly is it outraged still in their very midst, that a whig periodical among us (North American Review for July, 1844) says:

"We may affirm that the condition of the galley-slaves in France, or of the blacks in Cuba and the Carolinas, compared with that of English children immured in coal-mines, is like the contrast of Elysium with Tartarus."

Without any thirst for aggrandizement, then, or any attachment to scenes of war, or disregard of the solemn obligations of treaties, or desire to enlarge the number of our slave population, but the reverse of all of them, let us despise every groundless taunt on such topics, and, as soon as practicable, by the election of men friendly to the annexation of Texas, crowd onward the great destinies which Providence seems to have marked out for our republic. While we are scrupulous to do no injustice to others, let us be equally careful not to neglect our own public duties, and not to bring contempt and dishonor on our common country by a timorous and vacillating policy. In this way, there need be no limits to our Union, but the growth of general education, sound morals, and intelligent liberty.

"Wide as our free race increase,
Wide shall extend the elastic chain,
And bind in everlasting peace
State after State, a mighty train."

My fellow-citizens, I must now close these hasty remarks, and make way for others more useful and entertaining.

But, in doing it, let me conjure you, between this and November, not to be led off the true points in the canvass by any false or feigned issues, like those I first alluded to.

The eyes and hearts of sober-minded men, like you, will look higher, and dwell on considerations like these: whether the cause of independence and self-government by a majority shall prevail, or the Divine right of a few to rule the many; whether those who hold our delegated trusts shall not be made amenable to us by instructions, and a strict adherence to granted powers, rather than enlarge them by broad constructions to cover every species of encroachment. In fine, whether the people shall rule, or their servants, and the policy of the country be shaped by ourselves, or by the puppets to Sir Robert Peel or Louis Philippe; whether your government shall continue to be administered on the principles of Jefferson, Madison and Washington, or dangerous novelties be introduced, like the distribution of the public lands and the assumption of State debts — those fatal omens of discord and disunion; whether trade shall be left free, industry unshackled, rights equal, and your youthful empire of democracy bounding onward in its own energies, over Oregon and Texas, to the Pacific,— or all be

cramped up, chained, hedged, emasculated, mildewed, and all be paralyzed, and at a dead halt, or be limping along like the fettered despotisms of the Old World.

This may be considered plain language. The times demand it. You are a wronged people; your interests will not be dealt fairly by and protected equally, unless you act in earnest; you are too intelligent to be deluded longer. Tell the aspirants to power what you want, and what, by God's blessing, you will have, — equal rights, equal protection, equal laws.

The whole canvass must be bold and searching, though just. You must be faithful, as well as fearless; and not, like some cringing menials of power, see either a handsaw or a whale in the clouds, as is supposed will best suit the wishes of a superior and officer, or as cliques may dictate.

Nor do you want any neutrals in contests like this. For, where such vast interests are at stake, it is disgraceful not only to blow hot and cold, but to try to escape responsibility, by being neither whig nor democrat, Clay nor Polk, but an insipid "nothingarian." On the contrary, the whole country looks to you to be firm as Agamenticus on his rocky base near us, and to dare to do your duty, whatever obstacles may interpose. In such a cause, can any hesitate to stand forth and swell the ranks of that party which our fathers founded, and under whose administration of public affairs Providence so long blessed our country at home and abroad? Believe me, such leaders as Polk and Dallas will be its standard-bearers to victory, if we are only united in action, vigilant and prompt at the post of duty.

TABLES.

A. [No. 1.]

Articles paying highest duties under the proposed bill.

Above 50 per cent.

	(per cent.)		(per cent.)
1. Cordage, untarred,	150 to 100	9. Spices, generally,	90 to 50
2. Cheap cottons,	140 to 25	10. Salt,	80
3. Pepper, black,	130	11. Cordage, tarred,	80
4. Iron, nails, or spike-rods,	125	12. Glass, cut,	60 to 40
5. Paper, writing,	125 to 100	13. Sugar,	60 to 40
6. Glass, quart bottles,	120	14. Cotton-bagging,	60 to 40
7. Wire, not over No. 14,	100	15. Woollens,	60 to 25
8. Spirits, near,	100	16. Iron, rolled and pigs,*	60

At and under 50, but above 20 per cent.

	(per cent.)		(per cent.)
1. Coal,	50	5. Silk,	40 to 30
2. Fruits,	50	6. Wares, crockery and China,	30
3. Wines,	50	7. Linens,	25
4. Molasses,	40 to 30		

Three articles selected at and under 20 per cent.

†1. Tobacco,	20	3. Nux vomica,	free.
2. Gold epauletts,	free.		

B. [No. 2.]

Highest duties in England.

Above 50 per cent.

	Foreign.	Colonial.		Foreign.	Colonial.
1. On spirits,	500 (per cent.)	160	5. Tobacco,	250 (per cent.)	200
2. Molasses,	300	80	6. Teas,	200 or over.	
3. Coffee,	300	90	7. Wines,	200 to 100	
4. Sugar,	300	50	8. Fruit,	60	

At and under 50 to 20 per cent.

	(per cent.)		(per cent.)
1. Grain,‡	50 to 15	3. Wares,	30 to 15
2. Woollens,	30	4. Silk,	30

Three articles selected at and under 20 per cent.

	(per cent.)		(per cent.)
1. Iron,	20	3. Salt,	free.
2. Cotton,	20 to 10		

* Last price-current in England would make the duty near 100 per cent.

† All these are subject to 10 per cent. higher duty in certain foreign vessels this side of Cape of Good Hope, and 20 per cent. the other side, if not teas.

‡ When price low, and lower if price high.

C. [No. 3.]

List of articles in this bill yielding most revenue.

Secretary Forward's report, No. 209, gives the quantity of imports in 1840, prices, and duty now proposed, and amount from it.

The whole revenue, gross, is about 32 millions of dollars, and net 27½ millions of dollars; by it the average rate of duty is about 35 to 36 per cent. on 93 millions of imports not free.

1. Silks yield by it near,	$4,000,000	11. Spices (pepper, one-half),	$750,000
2. Sugar,	3,700,000	12. Salt,	500,000
3. Teas,	2,500,000	13. Wines,	500,000
4. Coffee,	2,000,000	14. Fruits (mostly raisins),	500,000
5. Spirits,	2,000,000	15. Crockery ware,	500,000
6. Woollens,	2,000,000	16. Coal,	300,000
7. Iron,	1,500,000	17. Hides,	250,000
Manufactures of,	600,000	18. Tobacco, manufactured,	200,000
8. Cottons,	1,500,000		
9. Linens,	1,200,000	8 articles,	3,500,000
10. Molasses,	1,000,000	10 articles,	22,000,000
	22,000,000	18 articles,	$25,500,000

NOTE. — The chief changes from his plan in these articles are in tea, coffee, and salt. The product from the first two, by the bill, will be near a million less, and from salt about one-seventh of a million less. The aggregate of the first ten articles would then be about $20,700,000; and of the whole, about $23,700,000.

Silks will not yield, in fact, one-half as much, because most have been free, and we shall make more now.

Sugars will not be as much, because we make more, and from Indian corn, and consume less when higher, as in England. So *molasses*. So make more *iron*.

Spirits. — Import less, as higher duty, and make more at home, and consume less in temperance times.

Linen, tea, and coffee — All will be less used, as have been free; other articles will be substituted.

D. [No. 4.]

List of English articles yielding most revenue,

Among the witnesses examined before the committee was John M'Gregor, Esq., one of the joint secretaries of the board of trade. He stated that the ten leading articles, which produced £20,502,666 revenue in 1839, were:

Sugar and molasses,	£4,826,917	Fruits of all kinds,	£462,002
Tea,	3,658,763	Timber and dyewoods,	1,668,584
Spirits,	2,615,413	Corn, grain, meal, and rice,	1,131,075
Wine,	1,819,308		
Tobacco,	3,495,686	Total,	£20,502,566
Coffee and cocoa,	749,818		

E. [TABLE No. 1.]

Several articles which pay a higher duty by the tariff of 1842 *than that of* 1828.

Articles.	1828.	1842.
Boots, silk,	30 cents per pair.	40 cents per pair.
Coal—	6 cents per bushel.	
at 28 bushels per ton,	1.48	$1.50.
at 25 net,	1.30	
Cordage, tarred,	4 cents per lb.	4½ cents per lb.
Cottons,*	80 per cent.	100 per cent.
Cotton-bagging,	4½ cents per square yard.	4 cents per square yard, and 5 if gunny-cloth.
Cotton laces,	12½ per cent.	20 per cent.
Glass, some kinds,	400 per cent.	500 or more.
Glass bottles,	$2 to 3 per gross.	$2½ to 4.
Molasses,	5 cents per gallon.	$5¼ on weight.
Saddlery,	25 per cent.	30 per cent.
Shoes, some,	25 cents per pair.	30 per cent.
Silks, some,	20 per cent.	30 to 60 per cent.
Steel, per cwt.,	$1.50.	$2.50.
Twine,	4 cents per lb.	6 per lb.
Ware, crockery,	30 per cent.	30 per cent.
Ware, Japanned,	25 per cent.	30 per cent.
Woollens, some,	50 per cent.	40 to 67 per cent.
Woollens, camlets,	15 per cent.	20 per cent.

[TABLE No. 1.—*Continued.*]

Others which pay nearly as high a duty by the act of 1842 *as by that of* 1828.

Articles.	1828.	1842.
Copperas,	$2 per cwt.	$2 per cwt.
Clothing, made up,	50 per cent.	50 per cent.
Copper,	4 cents per lb.	4 cents per lb.
Glass, some kinds,	3½ cents per square foot.	3½ cents per square foot.
Salt,†	Soon falling to 10 cents per bushel by the act of 1830.	8 cents
Sugar,†	3 cents per lb.	2½ cents per lb.

* On one kind of cottons, such as printed handkerchiefs, the duty is more than a hundred per cent. higher than in 1828; and many of the specific duties in this table would be much more above those in 1828, if reduced to a scale *ad valorem*.

† The specific duties in 1842, on these two articles, would be a higher per cent. on their value in 1842 than those were in 1828, as the value of the articles then was so much higher. Several other articles might be added which are in a similar situation.

F. [Table No. 2.]

Several articles in the tariff of 1842, *which pay a higher duty than* 30 *per cent., when specific, reduced to a scale ad valorem, at the Treasury Department, except when in brackets.*

Boots, silk,	50 to 75 per ct.	Leather,	53
Coal,	61	Lead,	[100]
Cordage,	71 to 188	whiting,	146
Cottons,	49 to 63	Linseed oil,	[50]
printed hkfs.,*	[132]	Molasses,	51
many others,†	[50 to 150]	Oil-cloth,	67
Cotton-bagging,	53 to 55	Opium,	75
gunny-cloth,	[100]	Pepper,	130
Clothing, made up,	40 and 50	Paper [97 by merch.],	35
embroidered,	50	Salt, 80 [and Turk's Is.],	144]
Flour, wheat,	70	Silks,	40 to 65
Fruits,	50	Shoes,	50 to 75
Glass, comp. by merch.,	[186 to 243]	Soap, soft,	50
Gloves, children's,	75 to 50	Sugar, brown,	71
kid,	60	refined,	101
Hats,	[35]	syrup,	[161 by merch.]
Hemp,	[39]	Spirits,	61
Iron,‡ pig,	45 to 72	Spices,	[50 to 90]
scrap,	50	Tobacco, in cigars,	40
bar,	85	Wines,	60 to 67
rolled,	77	Woollens,	40 to 87

* Several articles pay so high a duty now as to stop all imports of them; and hence the rate has to be computed otherwise than at the department, and on the values of 1840.

† See a schedule, computed on an English price-current of Steward & Co.

‡ Seventeen articles pay from 45 to 235 per cent. on their cost abroad. See table in memorial from New York. See annexed the articles, and rate per cent. on the foreign cost.

Articles.	Ad valorem rate of such duty.
Anvils, Wilkinson's warranted,	70 per cent.
Brass battery or hammered kettles,	50 per cent.
Butt hinges, cast iron,	73½ per cent.
Hammers, blacksmiths',	67 per cent.
Iron, in bars,	112½ per cent.
" " under 5.8 inch square,	240 per cent.
Irons, sad or smoothing, tailors' and hatters',	140 per cent.
Iron wire, No. 0 to 6,	235 per cent.
" " No. 14,	230 per cent.
Iron wrought nails, rose-head, a bag of 100 lbs., 8d.,	103 per cent.
Pins, mixed,	75 per cent.
Saws, cross-cut and pit,	75 per cent.
Screws, iron, called wood-screws,	87 per cent.
Bright trace-chains, 6½ feet, No. 3, iron,	144 per cent.
Kitchen furniture, such as saucepans, kettles, &c., tinned,	45 per cent.
Bright ox and log chains,	160 per cent.
Jack-chain,	96 per cent.

G. [Table No. 3.]

Articles on which most of the duties are paid under the present tariff, estimated on imports near the same as in 1840, in value.*

Sugars yield near,	$3,500,000	Cottons,	$1,500,000
Silks,†	3,500,000	Linens,	1,200,000
Spirits,	2,000,000	Molasses,	1,000,000
Woollens,	2,000,000		
Iron,	1,500,000	Revenue paid by 8 articles,	$16,700,000
" manufactures of,	500,000		

Note. — All are necessaries, except spirits, and some kinds of silk; and all unfortunately happen to be rivalled here — even spirits.

H. [Table No. 4.]

Duties, discriminating for manufactures and against agriculture, &c.

Agriculture and other raw material, low.	The manufactured materials, high.
Hides,‡ 5 per cent.	Leather, 35 per cent.
Linseed, 5 per cent.	Linseed oil, 25 per cent.
Wool, cheap, 5 per cent.	Woollens, 28 to 60 per cent.
Cork, bark, free.	Corks, made, 25 to 30 per cent.
Rags, for paper, 1¼ cents per lb.	Paper, 15 to 17 cents per lb.
Quills, unprepared, 15 per cent.	Quills, prepared, 25 per cent.
Silk, raw, 50 cents per lb.	Silks, $2.50, &c.
Bristles, 1 cent per lb.	Brushes, 30 per cent.
Brass, crude, free,	Brass, manufactured, 30 per cent. " kettles, 12 cents per lb.
Hemp, 30 to 32 per cent.	Cordage, 100 to 130 per cent. Cotton-bagging, 50 to 80 per cent.
Cotton, 3 cents, or 33 to 25 per cent.	Cotton cloths, 80 to 120 per cent.
Flax, raw, 1 cent, or 7 to 9 per cent.	Flax, manufactured, 25 to 50 per cent.
Lead, crude, 1½ to 3 cents per lb.	Lead, pipes, &c., 4 cents per lb. " white & red, 4 cents per lb.
Tin, crude, in pigs, 1 per cent.	Tin, in plates, 2½ per cent.
Wood, rough, 20 per cent.	Wood, manufactured, 30 per cent.

List of articles free, and connected with manufactures.

Models of machinery.
Berries, Nuts, and Vegetables, } used principally in dying.
All dye-woods in sticks.
Barilla.
Bark of the cork-tree, unmanufactured.
Bells, or bell metal, old and only fit to be remanufactured.
Brass in pigs or bars, and old brass only fit to be remanufactured.

* But imports were less in 1843 than in 1840: so that they did not yield over $17,500,000.

† Must have declined, as silks are now taxed so much higher than in 1840.

‡ $4,118,000 were the imports of only three articles out of the fifteen, in 1840 — viz.:

Hides,	$2,756,214
Cheap wool (under 8 cents),	675,009
Hemp (all kinds),	686,777
	$4,118,000

Brazil wood.
Crude brimstone.
Burr-stones, unwrought.
Clay, unwrought.
Cochineal.
Old copper, fit only to be remanufactured.
India rubber, in bottles, or sheets, or otherwise unmanufactured.
Old junk and oakum.
Kelp.
Madder and madder-root.
Mother of pearl.
Nickel.
Palm-leaf, unmanufactured.
Pewter, when old and only fit to be remanufactured.
Platina, unmanufactured.
Ivory, unmanufactured.
Plaster of Paris, unground.
Rattans and reeds, unmanufactured.
Saltpetre, when crude.
Stones, called polishing stones.
Stones, called rotten stones.
Sumac.
Tartar, when crude.
Woods of all kinds, unmanufactured, not herein enumerated.

I. [TABLE No. 5.]

A list of agricultural articles, on which higher duties are imposed; but which are not raw materials for manufactures here, and are not rivalled abroad so as to be imported much, or to need any protection here.

Articles.	Duty by act of 1842.	Value imported in 1840.
Beef,	2 cents per lb.	$12,432
Pork,	2 " "	
Bacon,	3 " "	14,087
Hams,	3 " "	
Cheese,	9 " "	23,229
Butter,	5 " "	3,763
Lard,	3 " "	7
Wheat flour,	70 cents per cwt.	$430
Indian meal,	20 " " "	00
Potatoes,	10 " "	bushel, 16,960
Wheat,	25 " " "	639
		$71,547

J. [TABLE No. 6.]

Rates of duties before the war of 1812, *and the act of* 1816.

First act in 1790.	Raised in the same year, and in 1792, 1794, 1797, &c., so as to be, from 1805 to 1812.
Coal, 2 cents per bushel.	5 cents per bushel.
Coffee, 2½ cents per lb.	5 cents per lb.
Cordage (tarred), ¾ of a cent per lb.	2 cents per lb.
Clothing, made, 7½ per cent.	10 per cent.
Cottons, 5 per cent.	15 & 2½.
Glass, 10 per cent.	150 pr foot (window).
Hemp, 60 cents per cwt.	100 per cwt.
Iron, rolled, 7½ per cent.	15 & 2½.
steel, ½ cent per lb.	
nails, 1 cent.	
Molasses, 2½ cents per gallon.	4½.
Salt, 6 cents per lb.	Free after 1807.

First act in 1790.	Raised in the same year, and in 1792, 1794, 1797, &c., so as to be, from 1805 to 1812.
*Sugar, brown, 1 cent per lb.	2½.
Shoes, leather, 7 cents per pair.	15.
Silks, 5 per cent.	15.
Teas, per lb., 6 to 20 cents.	12 to 40.
Ware, crockery, 10 per cent.	15 & 2½.
Woollens, 5 per cent.	15 & 2½.
Articles not enumerated in the act, 5 per cent.	7½.

K. [Table No. 7.]

Prices of several manufactured articles, and others connected with manufactures, in England.

Years.	Salt, per bushel.	Hats, each.	Saltpetre, cwt.	Logwood, per ton.	Cochineal, cwt.	Pearlashes, cwt.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
1795	5 0	2 8	135 0	11 0	12 0	56 0
1806	6 4	3 0	63 0	20 0	26 0	51 0
1821	19 4	3 0	27 0	6 10	24 0	27 0
1824	4 9	3 0	21 6	9 0	16 0	31 0
1835	1 3	3 0	24 6	5 0	7 6	26 0
1836	–	–	–	5 0	7 0	36 0
1838	–	–	21 0	7 0	6 4	25 0
(†)	(‡)	(§)	(‖)	(¶)	(**)	

L. [Table No. 8.]

Prices of several agricultural products, with tea, coffee, and spices, in England.

Years.	Cheese, per lb.	Butter, per lb.	Beef, per tierce.	Flour, per sack.	Coffee, cwt.	Tea, Hyson, per lb.	Spices, per lb.
	d.	d.	s.	s. d.	s.	s. d.	s. d.
1795	5¼	8¼	92	3 5	72 a 95	4 6	11 0
1806	7⅛	11¼	135	4 2	115 a 143	4 8	4 9
1821	6	8¾	120	2 5	105 a 125	5 5	8 6
1824	4¼	8¼	90	2 6	60 a 73	3 8	6 7
1835	4	7¼	100	1 11	56 a 81	3 2	8 0
1836	–	10	107	–	80 a 96	2 2	7 8
1838	–	8½	112	–	63 a 81	2 3	6 6
		(††)	(‡‡)		(§§)		(‖‖)

* The specific duties on sugar, molasses, salt, &c., were much less, when computed *ad valorem*, than like duties would be now, as the prices of the articles are much lower.

† See 2 Tooke, 397; and 2 McCulloch's Dictionary, p. 350.

‡ Salt is free, and has naturally fallen.

§ On a high duty, and risen.

‖ Under a lower duty, and fallen much.

¶ Fallen under a low duty.

** Fallen under a low duty.

†† High duty, and higher price.

‡‡ High duty, and higher price.

§§ Duty lower, and fallen.

‖‖ Duty lower, and some fall.

M. [Table No. 9.]

Prices of leading domestic and foreign articles of produce, at Boston, for a series of years.

Date.	Beef, per bbl.	Pork, per bbl.	Flour, per bbl.	Northern Indian corn, per bushel.	Rice, per cwt.	Cotton, per lb.	Tobacco, per cwt.	Coffee, per lb.	Tea, per lb.	Sugar, per lb.	Molasses, per gall.
Years.	Dollars.	Dol's	Dollars.	Dol's	Dollars.	Cents.	Dol's	Cents.	Dollars.	Cents.	Cents.
1795	15 00	18 00	12 00	1 00	7 00	33	6 00	21	1 33	14	60
1800	8 00	17 00	10 00	75	4 50	40	5 00	25	1 34	14	48
1805	10 00	16 50	13 00	1 25	6 50	25	8 00	31	1 20	14½	40
1810	10 00	19 00	8 25	1 15	4 00	16	8 00	24	1 00	12½	48
1815	12 50	25 00	9 25	1 00	3 63	20	7 00	23	1 75	16	75
1820	10 00	14 50	5 37	60	3 50	16	7 00	26	95	10	34
1825	7 50	14 00	5 37	53	3 75	20	10 00	18	1 00	11	28
1830	7 75	12 00	5 00	55	3 00	11	6 00	12	90	9½	25
1834*	8 50	12 00	5 50	66	3 36	12½	7 00	12	70	10½	34
1844	4 33½	7 25	4 81 to 5 62	47	2 25 to 3 00	8 to 10	3 to 6	7 to 5	25 to 40	6¼ to 8	25 to 31

N. [Table No. 10.]

Wholesale prices at New York for a series of years.

Years.	Salt, per bushel.	Sugar, per pound.	Coffee, per pound.	Tea, per pound.	Molasses, per gallon.
1805	–	–	31		–
1811	–	–	21	$1.70	–
1815	80 a 85	15 a 17	24 a 27	1.25 a $1.50	60 a 75
1825	41 a 48	9 a 12	11 a 17 a 21	30 a 1.35	24 a 30
1830	39 a 42	7 a 10	11 a 13	30 a 1.30	27
1834	31 a 36	7 a 9	10 a 13	13 a 1.00	22 a 31
1836	30 a 33	10 a 13	11 a 14	18 a 1.10	36 a 40
1844	22 a 27	6 a 7	5½ a 11	20 a 90	25 a 30

No. 10 — continued.

Years.	Logwood, per ton.	Hides, per lb.	Rags, per lb.	Copper, per lb.	Lead, per lb.	Coal, per ton.
						Dollars.
1805	–	–	–	–	–	
1811	–	–	–	–	14	
1815	35 a 40	13 a 14	6 a 10	–	9 a 11	20 a 22
1825	22 a 26	12 a 14	7 a 10	16 a 26	7½ a 8	
1830	23 a 28	11 a 15	3 a 5	16 a 22	4½ a 5	
1834	15 a 25	12 a 13	2 a 8	16 a 24	5 a 6½	7 a 10
1836	15 a 27	9 a 14	5 a 8	19 a 25	6	8 a 12
1844	16 a 27	9 a 12	6 a 7	16 a 23	3½ a 4½	8 a 8 50

* 2 McCulloch's Dictionary — "Prices."

No. 10 — continued.

Years.	Iron.			
	Pig, per ton.	Bar, per ton.	Rolled, per ton.	Nails and sheet, per lb.
1805	–	–	–	–
1811	–	$120	–	–
1815	$50 a $55	105 a $115	$90 a $120	–
1825	35 a 50	70 a 75	100 a 110	6½ cts. a 8 cts.
1830	40 a 50	80 a 85	72 a 75	6 a 8
1834	38 a 45	72 a 75	75	6½
1836	40 a 45	75 a 90	80 a 85	6¼
1844	25 a 34	70 a 100	57 a 70	11 a 12

No. 10 — continued.

Years.	Plaster of Paris, p'r t'n.	Beef, per bbl.	Pork, per bbl.	Butter, per lb.
1805	–	$10	–	–
1811	$20	10 50	$22	–
1815	10 50	12 50 a $14	20	20 cts. a 23 cts.
1825	5 25	7 50	10 50	8 a 16
1830	4	5 50	9 25	12 a 16
1834	3	5 75 a 6	9 50 a $10 50	12 a 16
1836	4	9 75 a 10 25	17 50 a 18	20 a 26
1844	2 25	4 a 4 75	7 a 7 75	8 a 12

No. 10 — continued.

Years.	Cheese, per lb.	Northern corn, per bushel.	Wheat, per bushel.	Flour, per bbl.
1805	–	$1 25	–	$13
1811	–	1 15	$1 26	7 50
1815	11 cts.	1 12	1 75	8 50
1825	5 a 7 cts.	42 a 53	1	5 25
1830	6 a 8	52 a 53	80	5
1834	7½ a 9	60		4 75 a $5
1836	6 a 9	53 a 85	1 75	7 a 8
1844	4½ a 5½	47 a 48	1 a $1 10	4 75 a 5 75

No. 10 — continued.

Years.	Common wool, per lb.	Flax, per lb.	Hemp, per ton.	Cotton, per lb.
1805	–	–	–	25 cts.
1811	–	–	$300	21
1815	50 cts. a 60 cts.	11 cts. a 12 cts.	300	20
1825	30 a 35	–	155 a $170	20
1830	16 a 22	9	210	11
1834	30 a 35	9 a 11	150 a 175	10 a 13 cts.
1836	35 a 40	8 a 11	170 a 200	9 a 20
1844	27 a 29	8 a 11	127 a 180	8 a 10

O. [TABLE No. 11.]

Wholesale prices, at New York, of the following articles.

Years.	Cordage, per lb.	Duck, per bolt.	Cotton-bagging, per yard.
1805	–	–	–
1811	–	–	–
1815	12 cts.	15 cts. a 28 cts.	–
1825	7½ a 10 cts.	6½ a 18½	17 cts. a 21 cts.
1830	9½ a 10½	10 a 18	13 a 21
1834	9¼ a 10	11 a 17	17 a 21
1836	8 a 10	11 a 16	15 a 22
1844	11 a 12	7½ a 17	13 a 18

No. 11 — continued.

Years.	Shirtings, per yard.	Calicoes, per yard.	Leather, per lb.	Lumber, per 1000 feet.
1805	–	–	–	–
1811	–	–	–	–
1815	–	–	22 cts. a 28 cts.	23 cts.
1825	11 cts. a 15 cts.	15 cts.	22 a 28	15
1830	8 a 11		18 a 25	13 a 15 cts.
1834	6 a 9	9 a 20 cts.	16 a 27	17 a 18
1836	10 a 12		14 a 24	17 a 18
1844	5 a 8	6 a 8	14 a 19	10 a 11

P. [TABLE No. 12.]

Exports abroad.

Date.	Pork and lard.	Beef, cattle, &c.	Butter and cheese.
1840	$1,800,000	600,000 cwt.	200,000 lbs.
1841	2,600,000	900,000	500,000
1842	2,100,000	1,200,000	300 to 400,000
1843	2,600,000	1,300,000	600,000

Q. [TABLE No. 13.]

Year.	To England and her dependencies.	To all the world.	Year.	To England and her dependencies.	To all the world.
	All Domestic Exports.			*Tobacco.*	
1822	$30,041,337	$49,874,079	1822	$2,860,173	$6,222,898
1832	37,268,556	63,137,470	1832	2,516,073	5,999,799
1842	52,306,650	92,969,996	1841	5,849,581	12,576,703
	Cotton.		1842	3,624,945	9,540,755
1822	16,250,253	24,035,058		*Beef and Cattle.*	
1832	22,496,346	31,724,682	1822	271,796	844,534
1842	30,135,412	47,593,464	1832	414,454	774,087
	Breadstuffs.		1842	540,710	1,212,638
1822	1,760,703	6,263,237		*Butter and Cheese.*	
1832	2,386,829	5,583,990			
1842	6,750,682	9,888,176	1822	41,017	221,041

Year.	To England and her dependencies.	To all the world.
1832	$109,319	$290,820
1842	245,286	388,183
	Pork, Lard, &c.	
1822	135,315	1,357,899
1832	628,583	1,928,196
1842	1,219,994	2,629,408
	Sperm Oil.	
1822	–	8,972
1832	2,457	38,164
1841	251,431 }	{ 343,300
1842	140,204 }	{ 233,114
	Lead.	
1822	–	3,098

Year.	To England and her dependencies.	To all the world.
1832	$22	$4,483
1842	90,888	523,428
	Naval Stores — Tar, Rosin, and Turpentine.	
1822	434,733	457,562
1832	435,425	476,291
1842	616,478	742,329
	Timber and Lumber.	
1822	542,874	1,657,401
1832	708,576	2,149,651
1842	784,754	3,230,023

R. [TABLE No. 14.]

*Old and New English Tariffs.**

	Old. *l.*	*s.*	*d.*	New — lower. *l.*	*s.*	*d.*	
Cables,		10	0		6	0	cwt.
Cider,	21	10	0	10	10	0	ton.
Cotton (cwt.),	2	3	11	Same as only 7½ per lb.			
Coffee,		1	3		6		lb.
Cordage,		10	9		6		
Bacon,	1	8	0		14	0	cwt.
Beef,		12	0		8	0	do.
Hay,	1	4	0		16	0	load.
Hemp,	4	15	0		4	0	cwt.
Hides,		4	8		6		
Lard,		8	0		2	0	cwt.
Lead,	2	0	0	1	0	0	pig and sheet, per ton.
Leather (upper),	1	10	0		12	0	
Pork,		12	0		8	0	cwt.
Potatoes,		2	0		2		cwt.
Rice,		15	0		6	0	not rough.
Soap,	4	10	0	1	10	0	
Tar,		15	0		2	6	barrel.
Turpentine,	1	6	2		5	0	cwt.
Wood and lumber,				Reduced about one half.			
Wheat,†							

S. [TABLE No. 15.]

Number of entries, from abroad, of American and foreign vessels, during 1842.

	No. of American vessels.	No. of foreign vessels.
From all foreign ports, exclusive of British North American,	4259	916
Great Britain and Ireland,‡	614	373
Spain and Spanish colonies,§	1500	82

* The duties by both the old and new tariffs are lower, in most cases, on English colonial products of the same descriptions.

† The average 3*s.*, when cost 71*s.* per quarter, for wheat; and about 32 per cent., at their ordinary prices under the sliding scale. (British Almanac, 1843, p. 132.)

‡ The British colonies are peculiar in the laws, and in the frequent entries with passengers, &c., and are omitted in the table. They are 2,586 American, and 3,689 British.

§ Near two-thirds of these are from Cuba.

	No. of American vessels.	No. of foreign vessels.
From France and French colonies,	406	74
Hayti,	194	3
Kingdom of the Netherlands and its colonies,	178	19
Brazil,	176	26
Denmark and Danish colonies,	144	23
Mexico,	109	13
The Pacific Ocean,	127	
Texas,	96	
Venezuela,	86	23
Naples and Sicily,	69	19
The Atlantic Ocean,	56	
Buenos Ayres,	49	
Portugal and Portuguese colonies,	44	7
Hanse Towns,	43	112
Africa,	41	
Belgium,	35	20
Russia,	28	12
China,	26	
Sweden,	23	47
Turkey,	20	
Italy,	17	3
Trieste and Austrian ports,	15	1
Central America,	14	
New Grenada,	14	4
Asia, generally,	10	
Prussia,	2	
Sandwich Islands,	2	
Sardinia,	1	1
Peru,	1	

T. [Table No. 16.]

Table of population, capital, and income, connected with each branch of industry in the United States, in 1840.

Population by the census, as viewed by some.		Capital.	Income by the census, computed by Tucker.
Agriculture,	3,687,904	–	$654,387,597
Manufactures,	554,168	–	239,836,224
Trades,	237,581		
Navigation, commerce, and fisheries,	206,604	–	91,717,094
Mines, forests, &c.,	92,507	–	59,293,821
Aggregate,	4,798,769	–	$1,045,134,736
			By the Committee on Manufactures, in Senate, 1842.
Agriculture,		–	$1,252,682,223
Manufactures,		–	457,875,238
Commerce (fisheries alone),		–	15,204,142
Mining forests, and professions (mines and forests),		–	69,927,130
Omissions,		–	204,310,257
Aggregate,*		–	$2,000,000,000

* In France, the annual produce from her land is computed at $652,221,812; in England, $1,400,000,000; and from manufactures only, about $840,000,000.

Population by the census, apportioned and revised by me.		Capital by the census, as computed by me.	Income by the census, computed by myself.
Agriculture,*	12,750,000	$3,000,000,000	$800,000,000
Manufactures and trades,	1,500,000	300,000,000	239,836,224
Navigating, fisheries, &c.,	1,250,000	380,000,000	100,000,000
Mines, forests, &c.,	1,500,000	320,000,000	80,000,000
Aggregate,	17,000,000	$4,000,000,000	$1,219,836,224

U. [Table No. 17.]

Proportion of capital and income, in 1840, *to each person connected with each branch of industry in the United States.*

Computed on the tables, as revised by me.	Capital per head.	Income per head.
Agriculture,	$235	$62
Manufactures,	200	159
Navigation and fisheries,	303	80
Mines, forests, &c.,	213	53
Aggregate and average,†	235	71

* In apportioning the numbers of our whole population among the different pursuits in proportions as indicated by the late census, it is to be remembered that the census does not, as in England, return only those above twenty years of age devoted to each branch of business; but it includes, usually, though not always, only the adult males employed in agriculture and commerce, while in manufactures it embraces women and children to the extent of more than one-half of the whole number, in some kinds.

† The average income per head in the United States has before been estimated at fifty to one hundred dollars. The medium, seventy-five dollars. — See Pitkins.

Professor Tucker makes the average eighty-four dollars in New England to one hundred dollars elsewhere, and varies as confined to free persons, or all the population.

In England, the average income is, from all sources, about one hundred dollars per head. — See Spackman's Statistical Tables, p. 160.

About the same to those connected with agriculture, and near one hundred and thirty dollars per head to those connected with manufactures.

V. [E.]

Currency in coin and bank-notes, at

What country.	Dates.	ACTIVE CIRCULATION. Paper. Private and State bank-notes.	Paper. National and United States bank-notes.	Specie. Gold.	Specie. Silver.	Total.	Population.
	A. D.	Millions.	Millions.	Millions.	Mil's	Millions.	Millions.
United States, . . .	1774	–	$30 m.		–	–	–
	1775	$5 m. in continental money & bills of credit		$4 to 9½ m.		$11 m.	2½ m.
	1780	–	–		$5 m.	–	–
	1784	2 m.			10 m.	–	–
	1790	1 m.	2 m.	7 to 16	m.	16 m.	4
	1792	2	5	12	m.	19	4¼
	1804	8	5	17½	m.	30½	6
	1808	18	4¾	14	m.	36¾	7
	1811	22½	5½	15	m.	43	7½
	1813	52	m.	8	m.	60	7¾
	1814	46	m.	7	m.	53	8
	1815[i]	44½	m.	–	–	–	–
	1816	67 to 110	–	7½	m.	95	8¼
	1819	52	10½	8	m.	70½	9
	1819[i]	–	–	4½	m.	–	–
	1820	39½	4½	–	–	–	–
	1829	40	12¾	1½	7	70¼	12
	1830	54	m.	–	10	64	13
	1830	77	m.	–	8	85	–
	1833	57 to 60	19⅓	12	m.	89⅓	13½
	1833	60	20	4	m.	84	–
	1834	57 to 68	16	4	16	98	14
	Jan. 1, 1836[c]	10	8 m.	2	5	141	14¾
	1837	11	3	–	35	148	15⅓
	1838	9	2	5	2½	144½	15¾
	1840	8	6	5	0	136	17
England, alone, . .	1700	–	–	–	–	62½	5½
	1750	–	–	–	–	91¼	6½
	1763	–	–	–	–	114	7
	1786	–	–	110	m.	–	–
	1796	12	5 m.	150	m.	–	–
	1799	115¼	m.	96	–	211¼	9
	1810	220½	m	–	–	–	–
	1815	144 m.	129½	14½	m.	287¾	13
	1820	52	122	–	–	–	–
	1825[d]	70	96	–	–	–	–
	1829	38½	93½	201½	9½	343	14
	1830	144	m.	105½	38½	288	–
	1833[d]	120	to 140	172	40	342	15
	1834	48	91	174	40	353	–
	1834	36	86½	125	33½	281	15¼
	1835[f]	55	91	–	–	–	–

E — continued.

different periods, in different countries.

Active circulation per head.	NOT CIRCULATING. Notes of other banks on hand in banks.	NOT CIRCULATING. Specie in banks.	All bank-notes issued, and in the country.	All specie in the country.	Whole circulating medium in the country, per head, of bank-notes and coin.	Authorities.
	Millions.	Millions.	Millions.	Millions.		
–	–	–	–	–	$10	Hamilton's Life, p. 248, vol. 1.
$5	–	–	–	–	–	Anonymous.
–	–	–	–	–	–	Hamilton's Life, vol. 1, p. 359.
–	–	–	–	–	–	Blodget.
4	–	$3 m.	–	–	–	Idem and Cox.
4½	–	5	–	–	–	Estimate.
5	–	12	–	–	–	Anonymous and Blodget.
5¼	–	24	–	–	–	Estimate and report to Congress.
6	$8 m.	15	$36 m.	$30 m.	–	Gallatin.
7½	10 m.	28	–	–	–	Crawford and estimates.
6¾	5½	10	–	–	–	Gallatin.
–	–	17	–	–	–	Idem.
11	–	15 to 19	–	–	–	Crawford, estimates, and Gallatin.
7¾	10	29	72 m.	37	12	Crawford.
–	–	15½; of this 3 in U. S.			–	Reports to Congress.
–	–	19¼	–	–	–	Gallatin.
6	16	22⅔	75	31	9	Anonymous and estimates.
5	10	23	64	33	8	Gallatin.
6½	–	15	77	23	8	Sandford.
6⅔	20	30⅔	80	42⅔	9	Report to Congress.
6½	–	25	–	–	–	Taney.
7	18¼	35	96	55	10	Estimate, December 1.
9⅔	32	40	140	65	14	Treasury reports and estimates.
9¾	36	38	149	73	14½	Treasury reports and estimates.
9	24	35	116 m.	87½[h]	12	Treasury reports and estimates.
8	20	33	106 m.	83[k]	11	Treasury reports and estimates.
11	–	–	–	–	–	Anonymous.
14½	–	–	–	–	–	Anonymous.
16	–	–	–	–	–	Chalmers and A. Smith.
–	–	–	–	–	–	Chalmers.
–	–	35 m.	–	–	–	Tooke and Lowe, p. 102.
23¼	–	36	–	–	–	Report to Congress, 1832.
–	–	–	–	–	–	Gallatin.
22¼	–	26	–	–	–	Hopkins and Martin.
–	–	–	–	–	–	Marshall.
–	–	–	–	–	–	Marshall.
24½	–	32½	–	–	–	Marshall. [estimates.
20½	–	43⅕	–	–	–	White's report, Feb. 1831, and
22¾	–	–	–	–	–	Anonymous and returns.
23½	–	–	–	–	–	Anonymous and returns.
18¾	–	–	–	–	–	Marshall.
–	–	30	–	–	–	Actual returns of issues out

E — continued.

What country.	Dates.	ACTIVE CIRCULATION. Paper. Private and State bank-notes.	Paper. National and United States bank-notes.	Specie. Gold.	Specie. Silver.	Total.	Population.
	A. D.	Millions.	Millions.	Millions.	Mil's	Millions.	Millions.
England, alone, ...	1836*j*	$60	$88	–	–	–	–
	1837*j*	54	90	–	–	–	–
	1837*j*	55	95	$100	$50	–	–
	1838	60	–	–	–	$300	18
	1839	57	90	–	–	–	–
	1840	54	83	51 m.	–	–	–
Scotland, ...	1832	16¾	m.	2¼	m.	19	2
Ireland, ...	1832	22 to	30½	7	–	35	7
Ireland, ...	1754	–	–	2	m.	–	1½
England and Scotland, .	1811	220½	m.	–	19⅓	240	13
Engl'd, Scotl'd, & Irel'd,	1829	–	–	–	–	288	21
Engl'd, Wales, & Irel'd,	1829	144	m.	105½	38½	288	–
England and Ireland, . .	1840	17	5 m.	–	–	–	–
France, ...	1789*m*	–	–	422 to 440	m.	432	25
	1789	–	–	355	m.	355	25
	1800	–	–	500	m.	–	–
	1829	–	50	450	m.	500	–
	1833	–	30	175	350	555	29
	1834	–	30	527	m.	557	29
	1839	8	50 m.	500	m.	–	–
Russia, ...	1812	113	m.	19	–	132	35
Russia, ...	1815	–	–	35½	m.	–	–
Russia, ...	1820	12	5 m.	–	–	–	–
Austria, ...	1824	–	–	54	m.	–	–
Austria, ...	1810	10	1 m.	–	–	–	–
Austria, ...	1830	–	48	48	m.	96	21
Prussia, ...	1805	–	–	43	m.	–	5 to 7
Prussia, ...	1810	None.	–	–	–	–	–
Prussia, ...	1830	–	9	–	–	–	10¼
Holland, ...	1830	–	5	–	–	–	5½
Spain, ...	1782	–	–	86½	m.	–	11
Europe, ...	1824	–	–	1111½	m.	–	–
Europe and America, . .	1492	–	–	–	–	–	–
Europe and America, . .	1599	–	–	–	–	–	–
Europe and America, . .	1699	–	–	–	–	–	–
Europe and America, . .	1809	–	–	–	–	–	–
Europe and America, . .	1829	575	m.	1725	m.	2300	–
Europe and America, . .	1830	–	–	–	–	–	–
In the world, ...	1802	–	–	–	–	–	–
In the world, ...	1802	–	–	–	–	–	–

E — continued.

Active circulation per head.	NOT CIRCULATING. Notes of other banks on hand in banks.	NOT CIRCULATING. Specie in banks.	All bank-notes issued, and in the country.	All specie in the country.	Whole circulating medium in the country, per head, of bank-notes and coin.	Authorities.
	Millions.	Millions.	Millions.	Millions.		
–	–	$20	–	–	–	Actual returns of issues out.
–	–	45	–	–	–	Actual returns of issues out.
–	–	–	–	–	–	Actual returns of issues out.
$16½	–	–	–	–	–	McCulloch.
–	–	35 m.	–	–	–	Actual returns.
–	–	21 m.	–	–	–	Actual returns, and Mr. Latham's estimates.
9½	–	–	–	–	–	Marshall.
5	–	–	–	–	–	Idem.
2	–	–	–	–	–	Dean Swift.
19	–	–	–	–	–	Gallatin.
14	–	–	–	–	–	Idem.
–	–	–	–	–	–	Idem.
–	–	–	–	–	–	Latham's estimates.
17	–	–	–	–	–	Necker.
14½	–	–	–	–	–	Peuchet.
–	–	–	–	–	–	Schlotzer and Playfair.
13½ to 15	–	–	–	–	–	Gallatin and Jacob.
19	–	15	–	–	–	Estimate and Marshall.
19	–	–	–	–	–	Estimate and French papers.
–	–	58 m.	–	–	–	Actual returns.
4	–	–	–	–	–	Gallatin.
–	–	–	–	–	–	Storch.
–	–	–	–	–	–	Jacob.
–	–	–	–	–	–	Sup. Encyclopedia Brit.
–	–	–	–	–	–	Jacob.
4¾	–	–	–	–	–	McCulloch.
6 to 8	–	–	–	–	–	Sup. Encyclopedia Brit.
–	–	–	–	–	–	Jacob.
–	–	–	–	–	–	McCulloch.
–	–	–	–	–	–	Idem and Jacob.
8	–	–	–	–	–	Sup. Encyclopedia Brit.
–	–	–	–	–	–	Sup. Encyclopedia Brit.
–	–	–	–	$163	–	Jacob.
–	–	–	–	624	–	Idem.
–	–	–	–	1425	–	Idem.
–	–	–	–	1824 [g]	–	Idem.
–	–	–	–	–	–	Gallatin.
–	–	–	–	1522	–	Jacob.
–	–	–	–	1580	m.	Humboldt.
–	–	–	–	1824	m.[f]	Bowring, p. 490. *Note.* — He says there is added in Europe, yearly, about four millions.

Notes.

[a] Deposites in banks (at least one-third or half of which, in sea-ports, should probably be deemed circulation, and the fluctuations in which affect banks very

deeply) are not generally computed as currency, and are, therefore, to prevent confusion, omitted in this comparative statement, as well as any portion of ordinary drafts and bills of exchange which enter into real circulation. Inland bills, current in the United Kingdom, in 1840, estimated by Latham at $650,000,000. It is apprehended that the specie in Europe, in banks, is, in some cases quoted above, computed as in active circulation; and that no deduction is made from active circulation, in consequence of notes or bills on hand. Hence, the 11th, 12th, and 13th columns are not filled up, as regards Europe.

[b] Humboldt thinks, that in rich and commercial countries, if circulation be specie, there is needed over $12 per head, *e. g.* in France; over $10 in England and Holland, and about $5 in less commercial and rich countries. In Asia, the amount of currency is very small per head. (Jacob, p. 347.) But McCulloch thinks England would need $960,000,000, if all specie, or over $60 per head; and Blodget (page 146) says, in 1804, at $50 per head. But they must include bills of exchange, and all kinds of legitimate commercial paper.

[c] All denominations of money are, in the above table, reduced to dollars, without attention to small fractions; the pound sterling at $4.80 (except, see note *g*); and where the kind of paper or specie was unknown, the sums are entered across the dividing line. Some of those entered as *estimates* are compiled, in part, from actual returns; and some of those considered anonymous are from writers of authority, but the names have not been recollected with certainty. The sums stated, it will be seen, are in millions and large fractions, which were considered near enough for the purposes of comparison.

[d] See amount of notes of Bank of England and country banks, from 1814 to 1831, annually (Marshall's Statistics, 1838, pages 262, 263, 254, and 255). The circulation fluctuated much, at times, in different parts of the same year, being in Bank of England notes, in 1825, eight millions of pounds, or near forty millions of dollars, more at some times than at others. Specie in circulation, in England, in 1833, is estimated by McCulloch at only one hundred and fifty millions. (Dictionary, p. 317.)

[e] See circulation every year, from 1834 to 1840, inclusive, in the Treasury bank reports for each year. These are on or near the first of January in each year.

[f] The whole *circulation* in coin is supposed to have diminished, from 1809 to 1829, quite one-sixth, or 16⅔ per cent. (Tucker on Money, 382; Jacob's Eng., ch. 26; McCulloch's Com. Dic., 946.) But some compute the reduction at only 5 per cent., and others at 10½ per cent. Silver is computed to have fallen in value, since 1492, quite four to one, and gold three to one. (Tucker on Money, page 112.) Whole precious *metals*, in Europe and America, in 1830, estimated at $4,500,000,000. (Gallatin on Currency, &c.) Some make them $5,320,000,000. (Tucker on Money, p. 387.) Others make them only $3,422,000,000. (Jacob's Enq.) Silver sent to Europe, from America, has been in ratio of fifty-five to one of gold. In Asia, the produce is eleven to one. (See American Almanac, pp. 96 and 97, for 1840.) The whole precious metals in Europe, America, and Asia, would seem to be computed at not over $5,750,000,000. (See Jacob.) About one-third of them is estimated to be in coin, by some writers.

[g] These are computed from pounds sterling, at 4*s.* 2*d.* per dollar, by Tucker (on Money, p. 378). Increase in weight of all gold and silver in Europe and America, since the discovery of the latter, is nearly fifteen-fold. (Gallatin's Essay.)

[h] The proportion of silver in the United States, in circulation in 1838, is computed by Professor Tucker at three-fourths of the whole; gold one-fifth; and the rest probably copper. (Page 59.) In England, gold at three-fourths, and silver at one-fourth. (Page 57.)

[i] Mr. Crawford estimated the bank-note circulation, in 1815, at $110,000,000; and in one instance, that of 1819, at only $45,000,000.

[j] These returns, in 1835, 1836, and 1837, are at different periods in the year. It was not practicable to get them all at one date. They differ in different parts of the year. (See note *d*.) The specie in banks, in England, is only the bullion in the Bank of England. The returns do not show what is held by other banks, if any, since they can redeem their notes by law with the notes of the Bank of England.

[k] Some have estimated the whole specie in the country, in 1840, at $91,000,000, of which $35,000,000 is in banks. Others have estimated it, in 1833, at $29,000,000; in 1834, at $39,000,000; and in 1835, $60,000,000. (See American Almanac, p. 131, for 1838.)

[l] In France, some portions of 1839, the circulation and specie appear to be less in both the Bank of France and in the banks in the departments. About $3,000,000 of the specie was in the latter banks.

[m] This is considered a mere guess by Neckar, according to Low on the State of England, page 97.

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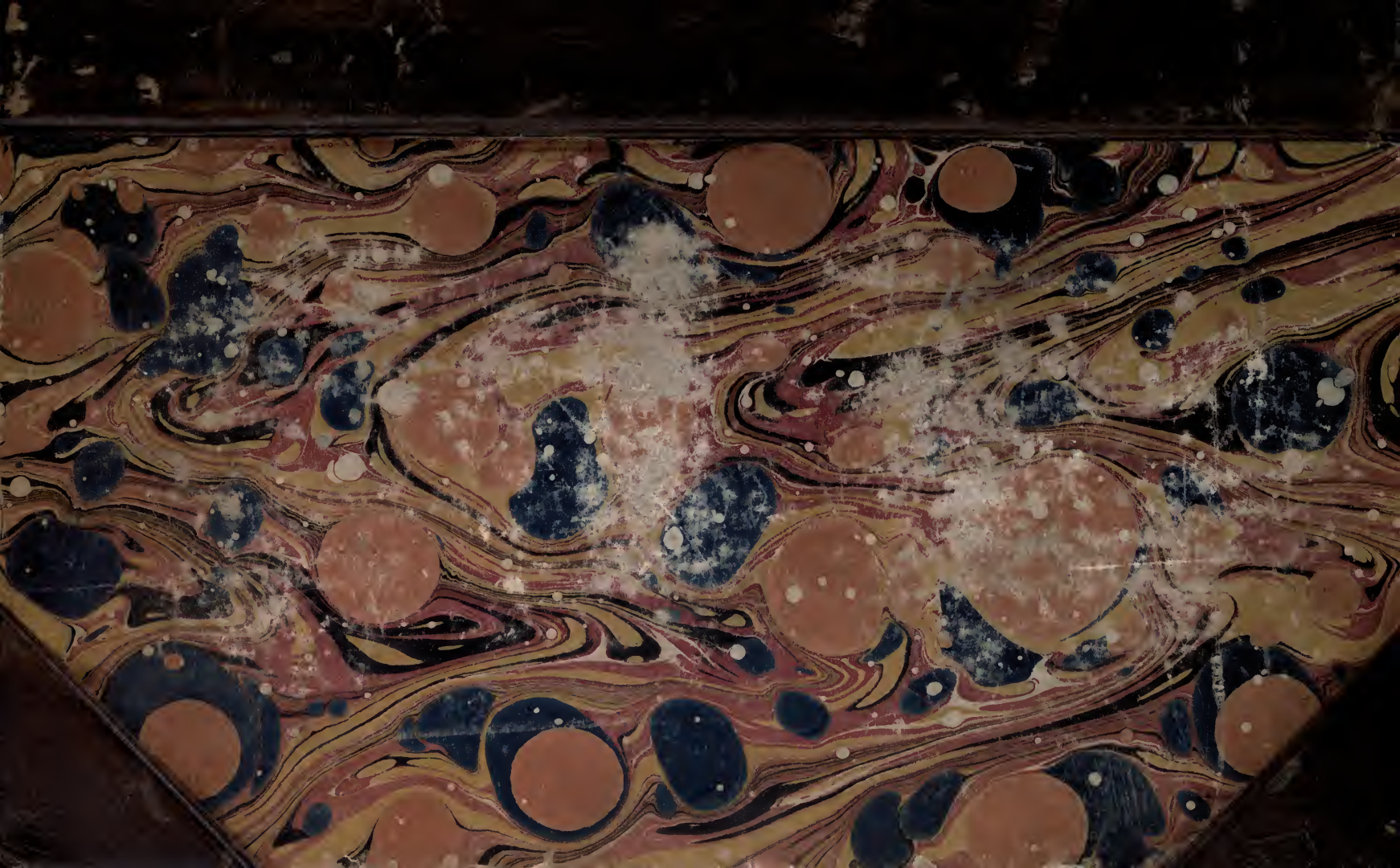
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